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JOURNAL
OF THE
SENATE
OF
THE STATE OF INDIANA,
BEING THE
NINTH SESSION
OF THE
GENERAL ASSEMBLY,

BEGUN AND HELD AT INDIANAPOLIS, IN SAID STATE, ON
MONDAY, THE TENTH DAY OF JANUARY, 1825:

INDIANAPOLIS, IA.

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SENATE

OF THE

STATE OF INDIANA.

THE NINTH SESSION OF THE GENERAL ASSEMBLY OF THE
STATE OF INDIANA, COMMENCED THIS DAY, CONFORM-
ABLY TO LAW, AT INDIANAPOLIS, IN THE COUNTY
OF MARION.

MONDAY, JANUARY 10, 1825.

PRESENT,

From the counties of Wayne, Randolph and Allen—*James Raridon.*

From the counties of Fayette and Union—*Lewis Johnson.*

From the county of Franklin—*James B. Ray.*

From the county of Dearborn—*John Gray.*

From the counties of Jefferson and Jennings—*Milton Stapp.*

From the counties of Clark and Floyd—*John H. Thompson.*

From the county of Washington—*Samuel Milroy.*

From the counties of Hamilton, Marion, Madison, Henry, Shelby, Decatur, Rush and Johnson—*James Gregory.*

From the counties of Orange, Lawrence and Monroe—*Samuel Chambers.*

From the counties of Gibson and Pike—*Isaac Montgomery.*

And the following gentlemen having been elected members of the Senate, since the last session of the General Assembly of the state of Indiana, appeared, produced their credentials, and having been sworn into office by the Hon. William W. Wick, President Jukge of the fifth Judicial circuit in the state of Indiana, took their seats, to wit:

From the counties of Harrison and Crawford—*Dennis Pennington.*

From the counties of Jackson, Bartholomew and Scott—*William Graham.*

From the counties of Perry, Spencer, Dubois and part of Warrick—*Daniel Grass.*

George H. ...

From the counties of Knox, Daviess and Martin—*John Ewing*.

From the counties of Posey, Vanderburgh and part of Warrick—*Thomas Givens*.

The above named gentlemen, constituting a quorum of the Senate of the state of Indiana,

On motion by Mr. Pennington,

Ordered, That the Hon. James B. Ray, who at the last session of the General Assembly, was elected President pro tempore of the Senate, do for the present take the chair; and Mr. Ray took the chair accordingly.

On motion by Mr. Gregory,

Ordered, That the Senate do now proceed to the election of a Secretary;

Whereupon,

Messrs. Pennington and Montgomery, having been appointed tellers, the Senate proceeded to the election of a Secretary; when, upon counting the votes, James Dill was declared to be elected Secretary, by a unanimous vote of the Senate; he was then called to the Secretary's desk, and sworn into office by the Hon. William W. Wick; and

On motion,

The Senate proceeded to the election of an Assistant Secretary; when, upon counting the votes, John H. Farnham was declared to be elected Assistant Secretary, by a unanimous vote of the Senate; he was then called in to the Assistant Secretary's desk, and sworn into office by the Hon. W. W. Wick.

The Senate then proceeded to the election of an Enrolling Secretary; when, upon counting the votes, Rollin C. Dewey was declared to be duly elected enrolling secretary for the Senate, he having a majority of one vote. Mr. Dewey was then called in and took the oath of office, which oath was administered by the Hon. W. W. Wick.

The Senate then proceeded to the election of a Door-keeper; when upon counting the votes, John Midcap was declared to be duly elected door-keeper of the Senate of Indiana; he having obtained a majority of one vote, of all the votes present.—Mr. Midcap was then called in, and the oath of office administered to him by the Hon. W. W. Wick.

On motion by Mr. Thompson,

Resolved, That the House of Representatives be informed, that a quorum of the Senate have assembled; have elected James Dill secretary, John H. Farnham assistant secretary, Rollin C. Dewey enrolling secretary, and John Midcap door-keeper, and are now ready to proceed to legislative business; and Mr. Farnham was directed to deliver that message.

Mr. Milroy offered the following resolution for adoption, to wit:—

Resolved, That it is the opinion of the Senate, that the Hon. James B. Ray, who was elected President pro tempore of the Senate at the last session, in the room of Rathliff Boon, Esq. late Lieutenant Governor of Indiana, resigned, is constitutionally entitled to that office for and during the period for which his predecessor was elected Lieut. Governor by the people of this state; which resolution was ordered to lie on the table for further consideration.

Mr. Stapp offered for adoption the following resolution, to wit:—

Resolved, That a committee be appointed on the part of the Senate, to act with a similar committee to be appointed on the part of the House of Representatives, to wait on his Excellency, the Governor, and inform him that a quorum of both Houses of the Legislature have convened and organized themselves, and are now ready to receive any communication he may think proper to make to them; and that the House of Representatives be requested to appoint a similar committee; which resolution was also laid on the table. And

The Senate adjourned to 2 o'clock, P. M.

2 o'clock, P. M.

The Senate assembled.

The following message was received from the House of Representatives, by Mr. Thornton:

Mr. President,

The House of Representatives have adopted the following resolution:

Resolved, That the Senate be informed, that a quorum of the House of Representatives have assembled; have elected Stephen C. Stevens, Speaker, Henry P. Thornton principal Clerk, James F. D. Lanier assistant Clerk, and Amariah Foster Door-keeper; and that they are now ready to proceed to Legislative business; and that the clerk of the House do carry the said message.

The following message was delivered from the House of Representatives by Mr. Bassett, a member of that House, to wit:

Resolved by the House of Representatives, That a committee be appointed to wait on the Rev'd Mr. Bush, and solicit him to attend in the Representative Hall instantler, and open the session by solemn prayer, and that the Senate be informed thereof, and their attendance requested; and that seats will be prepared on the right of the Speaker's seat.

On motion by Mr. Stapp,

Resolved, That the Senate accept the invitation of the House of Representatives, to meet them for public prayer; and will meet them instantler for that purpose.

Ordered, That Mr. Farnham, assistant secretary to the Senate, inform the House of Representatives thereof.

Whereupon,

The Senate then proceeded to the Representative Hall, where an appropriate prayer was addressed to the throne of mercy and grace by the Rev'd Mr. Bush; and the Senate returned to their chamber.

On motion by Mr. Gregory,

The resolution offered in the forenoon by Mr. Stapp, relative to the appointment of a committee to wait on the Governor, &c. &c. was taken up, considered, and by unanimous consent of the Senate, adopted.

And Messrs. Stapp, Gregory and Milroy, were appointed the committee on the part of the Senate, to carry the objects of the foregoing resolution into operation; and Mr. Stapp appointed to inform the House of Representatives thereof, and request a similar committee on their part.

Mr. Thornton from the House of Representatives, informed the Senate, that the House of Representatives had adopted the following resolution, to wit:

Resolved, That the rules adopted at the last session of the General Assembly, for their government in the transacting of their own business, and the joint rules for the government of the transaction of business between the two Houses, be adopted by this House for their government during the session; and that the public printer be directed to print one hundred copies thereof for the use of the General Assembly; and that the Senate be informed thereof, and respectfully requested to adopt the same joint rules.

Mr. Thornton, from the House of Representatives, informed the Senate, that the House of Representatives had adopted the following two several resolutions, to wit:

Resolved, That a committee be appointed by the House of Representatives, to act with a similar committee to be appointed by the Senate, to wait on his Excellency, the Governor, and inform him that both Houses of the General Assembly have met; have elected their officers, and are now ready to receive any communication he may be pleased to make to them; and to learn from him at what time he will make such communication; that the Senate be informed thereof, and a similar committee on their part requested; and that the House of Representatives have on their part appointed Messrs. Bassett, Oliver and Comer that committee.

Resolved, That a committee of two be appointed by the House of Representatives, as a committee of enrolled bills, to act with a similar committee to be appointed on the part of the Senate.

The Senate then adopted the following resolution, to wit:

Resolved, That the House of Representatives be informed, that the Senate concur in their resolution adopting the joint rules of the last session for the government of the two Houses, during the present session; and

On motion,

The Senate adjourned to 9 o'clock to-morrow morning.

TUESDAY, JANUARY 11, 1825.

The Senate assembled.

Mr. Pennington laid before the Senate, the petition of Cornelius Hall, praying further compensation for the distribution of the laws and journals of the last session; and the petition of David Arnold, praying the passage of a law to vest in him the title of a certain tract of land; which were severally read, and with the accompanying documents, referred to a select committee, consisting of Messrs. Pennington, Ewing and Montgomery, to report thereon, by bill or otherwise.

The President laid before the Senate, the following report from Mr. Merrill, Treasurer of state, to wit:

To the President of the Senate:

SIR—In obedience to the act entitled “An act establishing a permanent seat of Government for the state of Indiana,” and of the joint resolution respecting the furniture belonging to the state, at Corydon, I have the honour to state, that the following expenses have been incurred and paid for removing the public property, records, &c. from Corydon to Indianapolis:

To Messrs. Posey & Wilson for boxes,	\$7 56
To Mr. Lefler for one box,	0 50
To Seybert & Likens, for transportation of 3945 lbs. at \$1 90 per hundred,	74 95
To Jacob & Samuel Kenoyer, for transportation of one load,	35 06
	<hr/>
	\$118 07
Deduct for proceeds of sale of furniture at Corydon, Nov. 22nd, 1824,	52 52
	<hr/>
	\$65 55

Should the payments made as above be approved, the sum of sixty five dollars and fifty five cents will be due to me from the state. No duplicate vouchers having been taken, the originals are sent to the House of Representatives.

I have the honour to be, &c.

S. MERRILL.

Hon. J. B. RAY, *Pres't of the Senate.*

Which report was read and ordered to lie on the table.

The President also laid before the Senate, the following report from the Secretary of state, to wit:

To the President of the Senate:

In obedience to the requisitions of the act respecting the public printing, the Secretary of state respectfully reports, that the committee authorized for that purpose, have contracted with John Douglass, for printing the laws, journals, &c. for the state for three years, at the following prices:

Composition, plain matter, 35 cents per 1,000 m's

Ruled and figured, double.

Press work, (medium and under,) 37 1-2 cents per token.

Do. do. royal, 40 cents per token.

Folding and stitching, 3 cents per copy.

The paper to be purchased by him for the state, adding to the original cost, the expense of its purchase and carriage.

A contract has also been made with Messrs. Landis and Bolton, for furnishing the present General Assembly with stationary and fuel, at the following prices:

Cap paper No. 1 \$4 00 per ream

do. do. 2 3 75 do.

do. do. 3 3 25 do.

Letter post 4 00 do.

And other articles of stationary, at a fair price.

Wood, at 62 1-2 cents per day.

I have the honor to be &c.

R. A. NEW, Sec'y of State.

Hon. JAMES B. RAY, *Pres't of the Senate.*

And the said report was read and ordered to lie on the table.

Mr. Ewing offered for adoption, a joint resolution relative to purchasers of public lands; which was read and ordered to lie on the table.

The object of this resolution is to instruct our Senators, and request our Representatives in Congress, to endeavour to obtain the passage of a law extending to all persons who, through want of information, or from other causes, have failed to avail themselves of the benefits of the several laws of Congress, extending to purchasers of public lands, a further credit, &c. &c.

and the said joint resolution was read a first time, and ordered to lie on the table.

Mr. Chambers laid before the Senate, two several petitions from John Brown and others, citizens of Lawrence county, praying a removal of the seat of justice of said county; and a re-location of the same, in a more healthy and eligible situation. &c.; and the said two several petitions were read and referred to a select committee, consisting of Messrs. Chambers, Graham, Grass, Thompson, Milroy and Gregory, to report thereon by bill or otherwise.

Mr. Stapp from the joint committee appointed to wait on the Governor, and inform him that the two houses of the General Assembly have convened, formed a quorum, and elected their officers, and are now ready to receive any communication he may be pleased to make to them, reported that they have performed that duty, and have received for answer, that he is now ready to make his communication to both Houses of the General Assembly, in any way the joint committee of both Houses may request; and that the committee have requested his Excellency to make his communication to both Houses in the Representative Hall, by his private secretary; and have requested him to be present on that occasion.

Mr. Hurst, a member of the House of Representatives, now informed the Senate, that the House of Representatives were ready to receive the Senate in the Representative Hall, to receive the communication from his Excellency, the Governor, by his private secretary, and that seats are prepared for the Senate on the right of the Speaker's seat.

Whereupon,

The Senate then proceeded to the Representative Hall, and took their seats accordingly; when the following message was delivered from his Excellency, the Governor, by Mr. Test, his private secretary, to wit:

Gentlemen of the Senate, and of the
House of Representatives,

Having convened in Legislative capacity, for the furtherance of the great interests, which the constitution has entrusted to our care; it becomes my duty to "give to the General Assembly information of the affairs of state," and in aid of your deliberations, to exhibit to your view and recommend for your adoption, such measures as those interests seem to require. In examining our public concerns since the close of the last session, but little seems to have occurred, save that which is in its character public and equally manifest to all. The current of population from the neighbouring states, is daily

giving us increase of numbers and improving the condition of agriculture, our great interest: The general prosperity of the state is advancing in a firm and steady pace, to numbers, to wealth, and to a grade of respectability among the states of the union; and what is, *most* consoling, the health of the country, especially within the last year, is more improved than any other condition. The diseases incident to our climate and our soil have very much abated; in some districts have scarcely been known at all, and in others have prevailed with less severity than in former years. Considerations of this kind are well calculated to draw forth the warmest effusions of gratitude to the author of our being, from whom we receive health, fruitfulness of seasons, and the inestimable privileges of a free government.

In contemplating however the general prosperity of our country, we cannot pass by without notice, the scarcity of a circulating medium; the want of a market for our surplus produce, or what is generally termed the hardness of the times. But by way of remedy for these evils it is obvious that the Legislature have very little to do; for to Congress alone is reserved the power "to regulate commerce with foreign nations and among the several states." It is evident that causes exist for the situation of the country in this point of view, which are not of a local nature or within the control of a nation or a state. It was not to be expected that the tide of our national prosperity produced by the general convulsions of Europe, which gave to our agriculture a market and to our commerce and shipping interests, much of the carrying trade of the world, should forever continue to flow. It was reasonable to suppose, that the recent peace of Europe, which suddenly became almost as general as the war which had preceded it, would turn millions from the profession of arms to the pursuits of industry, and that the supplies of Europe furnished by themselves, would lessen their demand and our market for the products of agriculture. To these causes broad and extended as they certainly are, we may fairly attribute much of our own condition. It only remains for us to improve the means within our power; our roads and the great highways to the markets as they are. It is our business to increase facilities of intercourse with each other, and with the neighbouring states; to make our internal and municipal regulations as perfect as possible; to encourage industry, and above all to economise our expenditures and lessen as much as possible at all times, the public burdens upon the people. In this way the Government as well as individuals, will best conform to the existing condition of affairs.

The melancholy occurrence of the murder of some Indians on the frontier settlements of the state, has been succeeded by the arrest and imprisonment, in the county of Madison, of several persons charged with such crime. The want of public buildings in that county, created the necessity of a guard and other expenses for the safe keeping of the prisoners. These expenses have been accumulating from the month of March last, the date of the unfortunate transaction, to the present time. Considering the newness of this county, the sparseness of its population and the deleterious effects of the case on its general prosperity, I have thought it my duty to recommend that the expenses incident thereto, and for which the county may be liable, be paid out of the State Treasury.

The further details of this most unpleasant transaction require me to say, that James Hudson, one of the persons charged with the murder of Logan, an Indian chief, was at the last October term of the Madison circuit court, convicted and sentenced to be executed on the first day of December last; that previous to the day appointed for his execution he escaped from prison, and that he might not escape the punishment of his crimes by becoming a fugitive from justice, the time of his execution was, on the suggestion of the presiding judge and the prosecuting attorney of that court, respite and postponed until the twelfth of the present month.

But three days being allowed by law for the session of the court, no other of the prisoners have been tried. They are yet in custody awaiting their trial, for which purpose more time will be necessary than that at present allowed by law. Nor can I pass by the present occasion without expressing to you my strong conviction of the necessity of authorizing special sessions, for the delivery of the jails in vacation. Many, if not all objections to special courts, may be obviated by the details of legislation authorizing them. In all cases, and especially where the prisoner cannot procure bail, the genius and spirit of our institutions would say that his trial should not be so long delayed as it may be under the existing laws.

During the recess a vacancy took place in the presidency of the first judicial circuit. This was filled by an appointment which will expire at the end of the present session.

Agreeably to the provisions of "An act for the better management of the State Prison & for other purposes," Ira Westover Esq. was appointed superintendent of the Prison for three years from the fourth day of August last, under certain conditions and stipulations specified in his bond, which is filed in the office of the secretary of state. Believing from a report of the visitors appointed under the act, that a covering of the

wall was necessary to preserve it from injury, Mr. Westover was encouraged to construct such covering and submit his claims for that service to the Legislature. It has been done under the notice of one of the members of the House of Representatives, who will be able to give every needful information respecting it.

I have received a communication from the Governor of Georgia accompanied by a resolution of the Legislature of that state, proposing an amendment to the constitution of the United States, which would prohibit "the importation or ingress of any person of color into any one of the United States, contrary to the laws of such state," and have also received from the states of Ohio and Maine, communications disapproving of the aforesaid resolution. These several communications have been accompanied with requests that they be laid before the General Assembly of this state.

I have also received from the Governor of Ohio, sundry resolutions, recommending to the legislatures of the several states and to the congress of the United States, a system providing for the gradual emancipation of slaves, and recommending the passage of an act by the General Government (with the consent of the slave holding states) by which the children of such persons, born after the passage of such act, should, on certain conditions be free at the age of twenty one years. These resolutions have also been accompanied with a request that they be laid before you.

Agreeably to the provisions of "An act for improving the navigation of the river Wabash" approved January 31, 1824, I have communicated to the Governor of Illinois a copy of the act and requested him to recommend to the legislature of that state the adoption of measures calculated to further the object.

By an act of Congress of the 26th of May last, the right of preemption to one quarter section of land in each new county of the states and territories in which there are public lands, is, on certain conditions granted to such counties for the establishment of seats of justice. That the benefit of this provision may be secured to the counties hereafter to be laid off in this state, an act of the legislature seems to be necessary.

By an act also of the last Session of Congress the state of Indiana is authorized to survey and mark through the public lands of the United States, the route of a canal by which to connect the navigation of the Wabash and the Miami of Lake Erie, reserving forever and vesting in the state, the use of ninety feet on each side thereof for the purposes aforesaid, and reserving also from sale during the pleasure of Congress, the

sections through which such canal route may pass. As the public lands in that quarter of the state are understood to be surveyed and liable to be brought into market, whenever the pleasure of the President to that effect shall be made known, it is respectfully submitted, that the location of the route during the next summer be authorized by law. In this way only can the advantages of the reservations be secured to the state; for it is reasonable to suppose, that that district of country, important as it naturally is, and important as its improvement would be to the northern and western portions of the state, will speedily be brought into market. It is believed that this route must necessarily be located through some Indian reservations, made by the treaty of St. Mary's, and it is matter of doubt whether the right of soil thus vested in the grantees, would authorize a compact with them on the part of the state for that purpose. Should it be thought necessary to apply to Congress for power thus to stipulate with the grantees, there can be little doubt that such power would readily be given.

It is the duty of the various governments of this confederacy, to cultivate the most friendly understanding and intercourse with each other; the states with the General Government and among themselves. This produces harmony in our system and directs the force of all to the good of all. It is impossible to estimate too highly the importance of the object alluded to. This effected and the great northern avenue of commerce to the ocean and the lakes would be at once complete. An inland navigation from New York to New Orleans as well as to the northern lakes would at once be opened. This is an object in its character sufficiently national to demand the attention of the General Government. When we consider too the vast quantities of public lands to be greatly enhanced in value by the accomplishment of this work of internal improvement, we cannot doubt, that in the exercise of a magnanimous and judicious policy, Congress will, by donation to the state, of the sections thus reserved, aid our infant resources in constructing the canal. This donation would, it is believed, almost complete the work; would be repaid to the General Government in a ten fold proportion in the sale of the public lands, and would give impulse to the improvement and prosperity of the state heretofore unknown.

I have received and submit for your information the report of a joint committee and sundry resolutions of the legislature of the state of Ohio, on the subject of a canal at the falls of the Ohio river. This report and these resolutions, are declaratory of the lively and deep interest which that state feels in

the construction of such canal, and of their intention to unite in the execution of such work, with one or the other of the states of Kentucky or Indiana.

A report of the commissioners appointed by the "Act providing for opening a canal at the falls of the Ohio" will shortly be laid before you. It is sanguinely hoped that the state of Ohio will ultimately unite with Indiana in the undertaking, and interest herself to such extent as to bring the object certainly within the means of this state. In that event, the most cautious and fearful, as to the magnitude of the undertaking would abandon their scruples, and estimate this work as connected, not only with the best interests, but with the revenue and reputation of the state.

An advance of a small portion of the three per cent. fund *without interest* would in that event enable the state to progress with the work. This would supersede the necessity of resorting to other means, and the canal once completed, its revenues would repay to that fund the whole amount thus obtained, and not retard its application to roads and other proper objects. Congress would probably agree to this proposition on the basis of a fair reciprocity: the state stipulating that the public property of the United States, should forever pass the canal toll free.

Of similar character to the canals just mentioned, is the construction of the National Road from Wheeling to the Mississippi, passing through the metropolis of our state. The location of this road is of the greatest importance to the north-western states. This object is directly within the purview of their compacts with the General Government, at the times of their admission into the Union, and two per cent of the sales of public lands within those states are set apart for such objects. Its location at this time through Indiana, assumes much additional importance, from the removal of the Government to Indianapolis, its permanent seat, and from the character of the central parts of the state, requiring more attention to roads than those districts of country bordering on the Ohio river and first settled. This road if once located, would, in addition to the funds in existence for its construction, attract the attention of the Legislature and the counties through which it might pass, and would in a short time become not only useful, but ornamental to the State.

Some of these objects, it is true, are not fairly within the scope of our Legislative capacity. On some of them it would perhaps be nugatory to legislate. But it is competent at all times (and in these cases it would no doubt be useful) for the Legislature to express their opinions in relation to any great

interest of the country, though that interest be subjected exclusively to the control of the General Government.

The financial operations of the last year, have been more successful, than was anticipated by the most sanguine. Of the \$19,000 supposed to be necessary to be procured by loan, only \$5,971 have actually been procured, and of this sum \$971 were Seminary funds unemployed in the Treasury. So greatly beneficial to the Treasury, has the change of system been, that the current expenditures have been more easily and more promptly met with this amount, than they were the previous year by a reissue of \$15,000 of treasury notes; and with this additional advantage, that on the expenditures authorized by the last Legislature, the State has paid interest on \$5,971 only, while on that authorized by a previous session, interest has been paid on \$15,000. In addition to this, the public credit has been maintained, the currency restored to soundness, and much of the public expenditure economised in proportion as the currency has been rescued from depreciation.

The receipts into the Treasury during the year 1824 have amounted to \$40,435 94, by which the Treasury notes have been redeemed in good faith and the audited warrants paid, and there is now in the Treasury in available funds \$12,508.

The state debt amounted on the 1st January 1824, to \$27,044 19. On the 1st January 1825, it amounted, exclusive of interest, to \$17,499 17. This consists of \$4,655 Treasury Notes yet in circulation, \$5,971 loan, \$5,000 which the State owes to Roads and Canals, and \$1,873 17 on the bonds transferred to the Treasurer of the United States. The state debt at this time, exclusive of interest, exceeds the actual cash in the Treasury \$4,991 17.

The revenue assessed for the last year, after deducting the per cent for collection, amounted to \$39,294 86. Much of this sum has been paid in outstanding notes and audited warrants, but the residue thereof and balances of previous years, deducting also ten per cent for delinquent lists, are estimated as being sufficient to defray the current expenditures of the present year, to pay so much of the loan as becomes due, and discharge the balance due to the Treasurer of the United States. The current expenditures of the present year will probably not exceed \$21,000, and on all expenses, contingent in their nature, we may confidently expect a reduction; for no one can for a moment doubt, that such expenses will be much less, when based on a metallic currency, than they have been on a depreciated paper system.

From this view of the finances we may fairly come to the conclusion, that the time has arrived, when we may safely les-

sen the burdens imposed on the community, for the support of the Government. In doing this however, we must be careful, not to expose the Treasury to future embarrassments, or the Legislature to the necessity of creating loans or reissuing Treasury Notes. And while the public expenditure ought to be regulated by the strictest economy, our receipts should be greater than our expenditures, and our authorised revenues competent to meet every contingency intervening the assessments and the final collections. We should also consider the objects likely to increase our expenses in future years and prepare the Treasury to meet them. Among these may be numbered the increase of representation which the next ratio may produce, and the commencement and progress of the public buildings at this place.

To meet the expenditures occasioned by the increase of representation, the increased quantities of land which will then be subject to taxation will be more than sufficient, and the proceeds of the sale of Public property at this place, will probably pay the last appropriation for the Court House, and meet the costs of the public buildings.

As the population of our country increases, so will increase our means and resources, which will hereafter be sufficient to pay off the small residue of the state debt, and in a very few more years authorize a further diminution of taxes.

Experience of the past year has shewn, that some further improvement is practicable in our revenue system. The procuring of maps of the counties from the land offices, if made obligatory upon the courts doing county business, would, it is believed greatly improve the revenue. This opinion is based upon the results already produced in the few counties where such maps have been procured. The per cent upon the collection too is believed, not to be sufficient. In some counties no collector was obtained for the last year. The great object in the collections is promptness and certainty. This will repay in a large proportion, a sufficient compensation to the collectors. Equal justice would also seem to require that collectors from distant counties should receive mileage to and from the Treasury. This might be made an additional inducement to punctuality, by authorizing it in favor of those only, who should make final settlements at the Treasury, on or before the day prescribed by law.

Agreeably to the provisions of the constitution it is necessary that an enumeration of the white male inhabitants, above the age of twenty one years, should be made during the present year. For this it will be necessary that provision be made by law; and for this purpose little more will be necessary than

to require, that persons insane and paupers be also noticed on the listers books.

The details of the militia law have been found insufficient, and in many cases there is no discretionary power vested to supply its defects. In contested elections no power exists to order a board of officers to meet a second time where they have failed to meet agreeably to orders. No power exists to order a second board to convene, nor is there any authority to order a new election in either of the above cases. A case has occurred in the first brigade in which all these difficulties have been met, and in which agreeably to the opinion of the attorney general, a commission must issue on the return, pending the contest, unless the Legislature provide a remedy.

In regiments formed of very detached settlements, convenience would no doubt be consulted, by authorizing elections of field officers to be held in various battalions of such regiments, and by authorizing the battalions of such regiments, to drill separately in the month of October as well as that of May.

In the cavalry it is believed that a better organization and a greater degree of military spirit would be introduced by the formation of squadrons in the various Brigades or Divisions under proper commands and suitable regulations as to the drill.

In noticing the prominent interests of the country submitted to the care of the Legislature, I cannot pass by the improvements necessary for the residence of the Government at this place. It is true that not much at this time seems to be within the power of the Legislature on the subject. The ordinary revenues of the state have very properly been pledged for the payment of the current expenses of the Government, and of the state debt, and the proceeds of the sales of public property at this place, have been looked to for the completion of the public buildings. The good management of this fund is in a special manner incumbent on the Legislature. Public faith stands pledged to the purchasers of property in various parts of the Town, that the public buildings contemplated on the Circle and the State House Squares should be commenced as soon as practicable. In this policy will be consulted alike the interests of purchasers and of the state; for the commencement of the public buildings will afford strong inducements to the completion of payments, the prevention of forfeitures and the increase of the means to finish the work. These buildings should for the present be commenced and completed as the funds alluded to will authorize.

Among the improvements before alluded to, there is none more deserving of attention than a State Library. Many valuable books already belong to the State, and if some regu-

lations for their use and preservation should be made with only a moderate annual allowance for their increase, they would soon constitute a respectable collection.

It will afford me great pleasure to co-operate with you in every measure calculated to promote the public good.

WILLIAM HENDRICKS.

January 11, 1825.

And the same having been read, and a copy thereof delivered to the President of the Senate, the Senate returned to their chamber; and

On motion by Mr. Milroy,

Ordered, That two hundred copies of the Governor's Message be printed for the use of the Senate, and that the secretary instruct the public printer to print the same at as early a period as practicable. And

On motion,

The Senate adjourned to 2 o'clock, P. M.

2 o'clock, P. M.

The Senate assembled.

On motion by Mr. Rariden,

The resolution yesterday offered by Mr. Milroy, relative to the continuance in office of the Hon. James B. Ray, as President of the Senate, was taken up, again read, when Mr. Ewing moved to amend the said resolution by striking out the same from the word resolution, and inserting in lieu thereof the following words, to wit: "That the Senate do now proceed to elect a president pro tempore;" and the division of the question having been called for, the question was first put on striking out, which was determined in the affirmative; and on the question shall the said resolution, as amended to read as follows, to wit: "Resolved, That the Senate do now proceed to elect a President pro tempore," be adopted? The ayes and noes being called for, Mr. Milroy moved an adjournment until to-morrow morning, nine o'clock, which was decided in the affirmative; and

The Senate adjourned.

WEDNESDAY, JANUARY 12, 1825.

Senate assembled.

The Hon. James B. Ray now relinquished the chair as President pro tempore of the Senate;

Whereupon,

On motion by Mr. Milroy,

Ordered, That Mr. Stapp take the chair, and that the Senate do now proceed to elect a President pro tempore, and Messrs. Thompson and Rariden having been appointed tellers, the Senate proceeded to elect a President pro tempore; when, upon counting the votes, James B. Ray, was declared to be duly elected President pro tempore of the Senate for this occasion, and was conducted to the chair accordingly. And

On motion by Mr. Thompson,

Ordered, That the House of Representatives be informed that the Senate have elected James B. Ray President pro tempore of the Senate; and Mr. Farnham was directed to communicate that information.

Mr. Ewing asked and obtained leave to introduce a bill requiring notices to be given of petitions to the General Assembly, whereby private rights are effected; which was read a first time now, and ordered for second reading to-morrow.

Mr. Rariden asked and obtained leave to introduce a bill to regulate actions of slander, trespass, and malicious prosecutions; which was read a first time now, and ordered for second reading to-morrow.

Mr. Milroy laid before the Senate the petition of David Goss and others, praying an alteration in the boundary line between the counties of Clark and Washington; which was read and referred to a select committee, consisting of Messrs. Milroy, Ewing, Stapp and Thompson, to report thereon by bill or otherwise.

The following standing committees were now appointed, to wit:

Committee on the Judiciary—Messrs. Thompson, Rariden, Stapp, Graham and Montgomery.

Committee on Elections—Messrs. Pennington, Grass, Gray, Johnson and Gregory.

Committee of Ways and Means—Messrs. Chambers, Ewing, Stapp, Rariden and Thompson.

Committee on Military Affairs—Messrs. Milroy, Stapp, Gregory, Givens and Johnson.

Committee on Education—Messrs. Stapp, Rariden, Thompson, Ewing and Graham.

Mr. Pennington offered for adoption the following resolution:

Resolved, That the House of Representatives be informed that the Senate will meet that House, in the Representative Hall on this day, at 2 o'clock, P. M. for the purpose of electing a Senator of the United States, a Secretary of state, and President Judge of the fourth judicial circuit, in place of the

Hon. J. R. E. Goodlett, whose term of service has expired; and that the House of Representatives be requested to adopt a similar resolution. And on the question, shall the resolution be adopted? the ayes and noes being demanded by two members:

Those who voted in the affirmative were,

Messrs. Chambers, Givens, Graham, Grass, Gray, Pennington, Rariden and Thompson—8

And those who voted in the negative were,

Messrs. Ewing, Gregory, Johnson, Milroy, Montgomery and Stapp—6.

It was therefore decided in the affirmative and the said resolution adopted.

Ordered, That the above request be communicated to the House of Representatives by Mr. Farnham, assistant secretary.

Mr. Pennington laid before the Senate the petition of Wier Tilford and James Reed, administrators of John Reed of Bullitt county, Kentucky, praying legislative authority to make sale of a certain tract of land, situated in the state of Indiana, belonging to the heirs of the deceased, and which land, the deceased, by nun cupative will, directed to be sold; and the said petition, with its accompanying documents, was read and referred to the committee on the judiciary.

On motion by Mr. Milroy,

The Governor's Message was referred to a committee of the whole Senate, and made the order of the day for this day.

On motion by Mr. Stapp,

Ordered, That the credentials of the members elected to the Senate since the last session of the General Assembly of this state, be now referred to the committee on elections; and the same were delivered over to Mr. Pennington, chairman of that committee accordingly.

On motion by Mr. Rariden,

Resolved, That a committee of enrolled bills be appointed, and Messrs. Rariden and Ewing were appointed that committee.

Ordered, That Mr. Farnham inform the House of Representatives thereof.

On motion by Mr. Chambers,

Resolved, That the committee of ways and means be instructed to procure two pair of andirons, two pair of fire tongs, and two fire shovels, for the use of the Senate chamber. And

On motion by Mr. Milroy,

The Senate now according to order went into committee of the whole on the Governor's message.

Mr. Milroy in the chair;

When, after some time spent therein, the committee rose;

Mr. President resumed the chair,

And Mr. Chairman reported: That the committee of the whole Senate had, according to order, taken under consideration the message of the Governor, had made some progress therein, but not having time to go through with the consideration of the whole message, had instructed him to ask leave to sit again—and by unanimous vote of the Senate, leave was granted. And

The Senate adjourned to 2 o'clock, P. M.

2 o'clock, P. M.

Senate assembled.

Mr. George Craig, Senator from the counties of Switzerland and Ripley, now appeared and took his seat in the Senate chamber.

Mr. Hurst, a member of the House of Representatives, now informed the Senate that the House of Representatives have adopted the following resolution, to wit:

Resolved, That the Senate be informed that the House of Representatives will, on this day, at 2 o'clock P. M. proceed to the election of a Senator of the United States, a Secretary of State, and a President Judge of the fourth Judicial circuit, in the place J. R. E. Goodlett, whose term of service has expired; and that the Senate be informed thereof, and this House have appointed Mr. Robb, teller, on their part.

Ordered, That Mr. Montgomery be appointed teller of the joint balloting on the part of the Senate, and that Mr. Farnham inform the House of Representatives thereof.

Mr. Farrington, a member of the House of Representatives informed the Senate that the House of Representatives had passed the following resolution, to wit:

Resolved, That the House of Representatives do go into the election of a president judge of the first judicial circuit, at the time the election of a president judge of the fourth judicial circuit and other officers is held; that the Senate be informed thereof, and their concurrence requested. And

On motion to concur in the foregoing resolution, it was determined in the negative.

Ordered, That Mr. Farnham inform the House of Representatives of the non-concurrence of the Senate in the foregoing resolution.

Mr. Ewing offered for the consideration of the Senate, the following resolution, to wit:

Resolved by the Senate, That the House of Representatives

be informed, that inasmuch as no inconvenience can possibly result from the delay of a Senator of the United States; and as the mails arrive on Saturday, by which many members expect information necessary and proper to ensure a compliance with the will and wishes of the people; the joint meeting proposed by the Senate, and concurred in by the House of Representatives, for the election of a Senator of the United States, should be postponed until two o'clock on Monday next. And on the question, shall this resolution be adopted by the Senate? It was decided in the negative.

Mr. Thornton, principal clerk of the House of Representatives, now informed the Senate, that the House of Representatives were ready to receive the Senate for the purpose of going into the election of a Senator of the United States, a secretary of state, and a president judge of the fourth judicial circuit of the state of Indiana, and that seats were prepared on the right of the Speaker's seat in the Representative Hall, for the purpose of proceeding by joint ballot, to the election of a Senator to the congress of the U. S., from this state; a secretary of state, and a President Judge of the fourth judicial circuit in the state of Indiana. The Senate then proceeded to the Representative Hall and took their seats accordingly; and the two houses proceeded by joint ballot to elect a Senator to the congress of the United States from the state of Indiana; when after four several ballotings, and upon counting the votes given in on the fourth balloting, William Hendricks was declared to be duly elected a Senator to the congress of the United States from the state of Indiana, for six years from and after the fourth day of March next, in the room of Waller Taylor, whose term of service will then expire; he having a majority of two votes, of all the votes given. Both houses proceeded then, by joint ballot, to the election of a Secretary of State for the state of Indiana; when after four several ballotings, without making a choice,

On motion,

The Senate retired to their Chamber; and

On motion,

Adjourned to 9 o'clock to-morrow morning.

THURSDAY, JANUARY 13, 1825.

Senate assembled.

Mr. Maxwell from the House of Representatives, informed the Senate, that the House of Representatives had passed the following resolution:

Resolved by the House of Representatives, That the Senate be informed, that the House is now in readiness to receive the Senate, and to proceed to the balance of the elections mentioned in the resolution from the Senate of yesterday.

Whereupon,

The Senate again proceeded to the Representative Hall, took their seats on the right of the Speaker's chair as on yesterday, and both branches then proceeded by joint ballot, to elect a secretary of state; when, after the second balloting, William W. Wick was declared to be duly elected secretary of state for the state of Indiana, for the period of four years, from and after the date of his commission, and his being sworn into office agreeably to the provisions of the constitution.

Both branches of the General Assembly then proceeded by joint ballot to elect a president judge for the fourth judicial circuit in the state of Indiana; when, upon counting the votes, James R. E. Goodlett was declared to be duly elected president judge of the fourth judicial circuit in the state of Indiana, for the period of seven years from and after the date of his commission, and his having taken the oath of office agreeably to the provisions of the constitution: And the Senate returned to their chamber.

The bill requiring notices to be given of petitions to the General Assembly, whereby private rights are effected, and the bill to regulate actions of slander, trespass, and malicious prosecutions, were severally read a second time, severally committed to committees of the whole Senate, and severally made the order of the day for to-morrow.

Mr. Chambers, on leave being granted, laid before the Senate, the petition of Jacob Sherly and others, praying the passage of a law declaring certain parts of Lost river and Lick creek public highways; which was read and referred to a select committee, composed of Messrs. Chambers, Graham, Milroy, Gray and Grass, to report thereon by bill or otherwise.

On motion by Mr. Ewing,

The preamble and joint resolution relative to purchasers of public lands, was taken up, read a second time, and the rule requiring bills and joint resolutions to be read on three several days was dispensed with, and the said preamble and joint resolution was read a third time now, and passed by unanimous consent.

Ordered, That Mr. Ewing inform the House of Representatives thereof, and request their concurrence therein.

Mr. Rariden asked, and obtained leave to introduce a bill to amend an act, entitled "An act, subjecting real and personal

estate to execution; approved, January 30th, 1824;" which was read, and ordered for second reading to-morrow.

Mr. Pennington, from the committee on elections, to whom was referred the credentials of the Senators elected since the last session of the General Assembly, now made the following report, to wit:

Mr. President,

The committee of elections, to whom was referred the certificates of the returned members elect, to wit: From the counties of Harrison and Crawford, Dennis Pennington; from the counties of Posey, Vanderburgh and part of Warrick, Thomas Givens; from the counties of Perry, Spencer and Dubois, Daniel Grass; from the counties of Jackson, Bartholomew and Scott, William Graham; and from the counties of Knox, Davies and Martin, John Ewing; have directed me to report, that they have had the same under consideration—and find the above named gentlemen duly elected Senators, and entitled to their seats in the Senate of Indiana, for the term of three years from and after the first Monday in August 1824; and

On motion,

The said report was concurred in.

Mr. Ewing offered for adoption the following resolution, to wit:—

Resolved, That a committee be appointed to enquire into the expediency of repealing the fourteenth and fifteenth sections of an act, entitled "An act subjecting real and personal property to execution; approved, 30th January 1824"—and of providing that all executions issued upon judgments obtained in our courts, shall be subject to, and controuled by the constitutional enactments existing and in force at the date of the contract, upon which the judgment was obtained, with leave to report by bill or otherwise; which resolution was read and ordered to lie on the table.

On motion by Mr. Milroy,

The following resolution was read and adopted unanimously, to wit:

WHEREAS, The General Assembly of the state of Indiana, in common with their fellow-citizens, feel the most lively interest in whatever relates to the illustrious Lafayette, now on a visit to the United States; and would cordially unite with the American people, in grateful demonstrations of respect to this early and consistent friend of American liberty, and the rights of man. Therefore,

Resolved, That a committee be appointed on the part of the Senate, to act with a similar committee to be appointed on the part of the House of Representatives, to take into considera-

tion, the propriety of expressing the sentiments of the General Assembly, in reference to Major-general Lafayette, with leave to report by resolution or otherwise; and that the House of Representatives be informed of the passage of this resolution, and a similar one on their part requested.

Ordered, That Messrs. Milroy, Montgomery, Thompson, Graham, Gregory and Stapp, be that committee on the part of the Senate; and Mr. Milroy inform the House of Representatives thereof.

On motion by Mr. Gregory,

Ordered, That a standing committee on roads and canals be appointed; and Messrs. Gregory, Craig, Johnson, Gray, Grass and Thompson, were appointed that committee.

Mr. Gregory, on leave being granted, laid before the Senate, the petition of Lewis Morgan and others, praying for the passage of a law to improve the navigation of Sugar creek; which was read and referred to the committee on roads and canals—as was also the petition relative to Lost river and Lick Creek, which had been heretofore referred to a select committee.

Mr. Gregory, also, on leave being granted, laid before the Senate, the petition of Thomas Sandford and others, praying the establishment of a state road from Centreville, in Wayne county, via Jacksonburgh and Newcastle, to intersect the present state road leading from Newcastle to Indianapolis; and the said petition was read and referred to the committee on roads and canals.

On motion by Mr. Ewing,

The Senate adopted the following resolution, to wit:

Resolved, That the committee on the judiciary, enquire and report, whether a constitutional mode of taxation can, under existing circumstances be devised, by which to collect the state and county taxes of citizens who have purchased and received patents for land under the late law of the United States, which requires cash payments; or whether an equivalent for the same can be assessed in any legal manner, so as to equalize the taxes of our citizens.

On motion by Mr. Thompson,

The Senate adopted the following resolution, to wit:

Resolved, That the judiciary committee be instructed to enquire if any, and what amendments are necessary to the law regulating the doing of probate and county business; and to report thereon by bill or otherwise. And

The Senate adjourned to 2 o'clock, P. M.

2 o'clock, P. M.

Senate assembled.

The President being absent, Mr. Pennington was called to the chair; and

On motion,

The Senate adjourned to 9 o'clock to-morrow morning.

FRIDAY, JANUARY 14, 1825.

Senate assembled.

On motion by Mr. Rariden,

Ordered, That the secretary of the Senate be permitted to read without rising from his seat.

The President laid before the Senate, the following communication from his Excellency, the Governor, to wit:

Indianapolis, January 14th, 1825.

DEAR SIR—Permit me to inform you, and through you the Senate, that a vacancy has taken place in the presidency of the fifth judicial circuit, by the resignation of the Hon. William W. Wick.

With the greatest respect,

WILLIAM HENDRICKS.

The Hon. JAMES B. RAY,

Pres't pro tem. of the Senate.

Mr. Pennington, from the committee to whom had been referred the petition of David Arnold, now reported a bill for the relief of David Arnold; which was read a first time, and ordered for second reading to-morrow.

Mr. Pennington offered for adoption the following resolution, to wit:

Resolved, That the committee of ways and means be instructed to procure locks and keys for the drawers of the desks in the Senate chamber, including those of the secretaries; which was read and ordered to lie on the table.

Mr. Montgomery, on leave being granted, laid before the Senate, the petition of Philip Briscoe, praying the restoration of a certain fine, which has been remitted by the Governor—which was read, and, with the accompanying documents, referred to the judiciary committee, to report thereon.

Mr. Gregory offered for adoption the following resolution, to wit:

Resolved by the Senate, The House of Representatives concurring therein, that they will this day, at two o'clock, P. M.

meet the House of Representatives in the Representative Hall, for the purpose of electing one president judge for the fifth judicial circuit; which was read and ordered to lie on the table.

The bill to amend an act, entitled "An act subjecting real and personal property to execution—approved, January 30th 1824," was read a second time, and referred to the committee on the judiciary.

Mr. Thornton delivered the following message from the House of Representatives, to wit:

Mr. President:

The House of Representatives concur in the resolution this day adopted by the Senate, respecting Major-general Lafayette; and have on their part, appointed Messrs. Nelson, Maxwell, Conner, Posey, Hurst, Robb, Farrington, Noble, Irwin of B., Harris, Bassett and Brown, a committee in conformity to said resolution.

The Senate now, according to order, resolved itself into committee of the whole Senate, on the bill to regulate actions of slander, trespass, and malicious prosecutions:

Mr. Graham in the chair;

And after some time spent thereon, the committee rose;

Mr. President resumed the chair, and

Mr. Chairman now reported: That the committee of the whole Senate had, according to order, had the said bill under consideration, had made an amendment thereto, by striking out the same from the enacting clause; in which amendment they had instructed him to request the concurrence of the Senate. And on the question, will the Senate concur in the amendment made in committee of the whole to the said bill? The ayes and noes being demanded by two members:

Those who voted in the affirmative were,

MESSRS. Chambers, Givens, Graham, Gregory, Johnson, Milroy, Stapp and Ray, pres't—8.

And those who voted in the negative were,

MESSRS. Ewing, Grass, Gray, Montgomery, Pennington and Rariden—6.

So the said amendment was concurred in; and

On motion,

The further consideration of the said bill was indefinitely postponed; and

The Senate adjourned to two o'clock, P. M.

2 o'clock, P. M.

Senate assembled.

The President now laid before the Senate, the following annual report of the Treasurer of state, to wit:

TREASURY DEPARTMENT, JAN. 13, 1825.

SIR,

Herewith is transmitted the annual report required from this Department, to be laid before the Senate.

I am Sir, very respectfully,

Yours, &c.

SAML MERRILL.

Hon. J. B. RAY, Pres. &c.

*To the Hon. J. B. Ray,
President of the Senate,*

SIR,

The Treasurer, in obedience to the directions of the act, entitled "An act concerning the auditor of public accounts and treasurer of state," respectfully submits the following report of the public revenue and expenditure, from Nov. 29, 1823, to December 31, 1824:

Amount on hand at the last annual report,	\$1,733 98
Payments during the above period for assessments	
for the year 1817,	112 00
" 1821,	175 00
" 1822,	1,158 56
" 1823,	22,736 39
" 1824,	26,586 30
Loans, exclusive of seminary fund on hand last year	5,550 00
Receipts of superintendents of salt lick reserves,	111 65
Penalties recovered of Messrs. Bradford & Moore,	
former collectors of Clark county,	62 76
Collections of unlisted property and delinquents,	153 48
Payment by John Carr, late agent for Indianapolis,	85 50
By the present agent,	4,974 25
	<hr/>
	\$63,439 87

During the same period the following sums have been paid at the treasury:

For public printing	\$2,769 84
For contingent expenses,	660 10
For expenses of the last General Assembly, and such special appropriations as come under no general head,	12,000 08
For claims on account of the seat of Government,	5,841 75
For interest on treasury notes,	905 75

Interest to Rapp,	-	-	291 00
For claims on account of state prison,	-	-	3,614 76
For warrant No. 196, given to John Turner for wolf scalps,	-	-	112 00
For expenses of presidential election,	-	-	232 59
To the officers of the Judiciary,	-	-	6,993 23
To the officers of the Executive department,	-	-	3,050 00
To the Attorney General,	-	-	250 00
To the Adjutant General,	-	-	125 00
Amount in the Treasury,	-	-	26,567 78
			<hr/>
			63,439 87

The warrants outstanding on the first day of January inst., were nineteen in number; on which the sum due on Legislative claims, was \$264 20; on Judiciary, \$595 48; on state prison, \$103 00; to Electors, \$40 33; to Circuit Prosecutors, \$214 50; amounting in all to \$1,217 53.

The demands against the Treasury, that will arise during the present year in addition to the above, are

Treasury notes in circulation,	-	-	\$4,565 00
Supposed interest on same,	-	-	300 00
Instalment of loan to Rapp, and interest,	-	-	1,300 00
United States' assignees of Vincennes bank,	-	-	2,210 34
Current expenditures, same as lowest year for three years past,	-	-	20,970 56
			<hr/>

Total,	-	-	\$30,603 43
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The cash on hand, deducting \$15,435 00 Treasury notes, is 11,152 78. After deducting delinquencies returned, and commissions on the assessments of 1824, the amount unpaid on the 1st January instant, was about \$9,000 00. Of this sum, at least \$1,000 more in delinquencies will be returned. Of the balances due on the first of January 1824, \$13,736 42 have since been paid. The remainder of those balances then thought to be secure, added to what may still be expected from the revenue of 1824, will make the credits of the State about \$15,000. Should the collection of this sum progress as heretofore, \$9,000 of it may be expected to be paid in the year 1825. The anticipations of the revenue of the year 1825 will therefore be at least eleven thousand dollars, and that sum will be considerably increased, should the expenses of this year equal those of either of the two past years. The payments into the Treasury since the first Jan. inst. to this date, (the 13th,) amount to \$4,613 38. This, with what was previously paid, satisfies the amount charged against the counties of Allen, Wayne, Union, Fayette, Franklin, Ripley, Jennings,

Clark, Floyd, Spencer, Warrick, Gibson, Knox, Daviess, Martin, Sullivan, Parke, Montgomery, Marion, Morgan, Johnson, Hamilton and Shelby. Small sums only are due from the counties of Randolph, Dearborn, Switzerland, Jefferson, Harrison, Washington, Jackson, Lawrence, Orange, Crawford, Dubois, Pike, Posey, Greene, Owen, Decatur, Bartholomew, and Scott. The counties which have yet paid nothing, are Hendricks, Henry, Madison, Perry, Putnam, Rush and Vermillion.

The suit against the late treasurer, is yet undecided; having been twice continued by his affidavit.

I have the honour to be, &c.

SAMUEL MERRILL.

Which were read and ordered to lie on the table.

The Senate now according to order, resolved itself into committee of the whole Senate, on the bill requiring certain notices to be given by persons who petition the General Assembly for the adoption of a law or laws, whereby private rights or privileges are affected:

Mr. Pennington in the chair;

When, after some time spent thereon, the committee rose;

And Mr. Chairman reported: That the committee of the whole Senate had, according to order, had the said bill under consideration, and had instructed him to report the same to the Senate without amendment. And

On motion,

The said report was concurred in.

Mr. Ewing then moved that the said bill be engrossed for third reading to-morrow. And on that question, the Senate being equally divided, the President decided in the affirmative. So the bill was ordered to be engrossed for third reading to-morrow.

The President laid before the Senate, the annual report of Christopher Harrison, agent of the three per cent. fund; which was read and referred to a committee on the three per cent. fund, consisting of Messrs. Graham, Milroy, Gray, Grass, Chambers and Montgomery.

The Senate then, according to order, again resolved itself into committee of the whole Senate, on the Governor's message:

Mr. Milroy in the chair;

When after some time spent therein, the committee rose;

Mr. President resumed the chair, and

Mr. Chairman reported: That the Senate had, according to order, had under consideration, and had instructed him to re-

port the following resolution, and request the concurrence of the Senate therein, to wit:

Resolved, That so much of the Governor's message, as relates to the state prison, and so much thereof as relates to the expenses of keeping the prisoners in Madison county, and so much thereof as relates to the public buildings and public property, be referred to the committee of ways and means.

And that so much thereof as relates to special sessions of the circuit courts for delivering jails, and for allowing further time for holding the courts in Madison county, be referred to the judiciary committee.

And that so much thereof as relates to military affairs, be referred to the military committee.

And that so much thereof as relates to roads and canals, be referred to the committee on roads and canals.

And that so much thereof as relates to the communications from the Governor of Georgia, and the resolution of the legislature of that state, together with the communications from the states of Ohio and Maine, disapproving of the same, and so much thereof as relates to the resolutions from the Governor of Ohio, for emancipating slaves in the United States, and so much thereof as relates to the enumeration of the white male inhabitants of this state, over twenty-one years of age, and so much thereof as relates to the act of Congress giving the state a right of preemption to one quarter section of land in each new county in the states and territories where public lands are—and also so much thereof as relates to the navigation of Wabash river, be severally referred to select committees.

Mr. Pennington offered for adoption, the following joint resolution, to wit:

A Joint Resolution of the General Assembly.

WHEREAS, The fundamental principles of our government, state and federal, recognize entire equality of citizenship; not only in the constituents of the government and its functionaries, but among the various functionaries themselves: And whereas, it is of the utmost importance, that this cardinal principle should be undeviatingly adhered to, more especially in the official intercourse, which the functionaries of government hold with each other, and the world. Therefore,

Resolved by the General Assembly of the state of Indiana, That the practice of addressing the Governor of this state, the members of the General Assembly, or any other officer of this Government, by the epithet of Excellency, Honourable, &c. &c. or of prefixing any similar epithet to their names, be discarded and abolished; which joint resolution was read a first time now, and ordered for second reading to-morrow.

Mr. Graham, on leave being granted, laid before the Senate, the petition of Thomas Hight, praying a divorce from his wife Celia; which was read, and with the accompanying documents, referred to the judiciary committee. And

The Senate adjourned to 9 o'clock to-morrow morning.

SATURDAY, JANUARY 15, 1825.

Senate assembled.

The President announced the appointment of the following committees, to wit:

On the communications of the Governor of Georgia, and resolution of the legislature of that state, together with the communications of Ohio and Maine; Messrs. Grass, Givens, Pennington, Thompson and Rariden.

Committee on the resolution from Ohio, on the subject of emancipating slaves; Messrs. Stapp, Graham, Ewing, Craig and Johnson.

Committee on that part of the Governor's message which relates to the enumeration of the white male inhabitants, &c.; Messrs. Montgomery, Gray, Milroy, Pennington and Chambers.

Committee on that part of the Governor's message relative to the act of Congress, giving a right of preemption to a quarter section of land in each new county where public lands are, Messrs. Gray, Gregory, Pennington, Montgomery and Graham.

Committee on that part of the Governor's message relating to the Wabash river; Messrs. Ewing, Rariden, Stapp, Graham and Thompson.

The President laid before the Senate, the following annual report of the auditor of state, to wit:

AUDITOR'S OFFICE, }
Indianapolis 15th Jan. 1825. }

To the Hon. the President of the Senate,

SIR,

In obedience to an act of the General Assembly, entitled "An act concerning the Auditor of Public Accounts and Treasurer of State," I have the honor herewith to transmit you my annual report, ending the 31st December, 1824.

I have the honour to be,

Very respectfully,

Yours, &c.

WM. H. LILLY, Aud. Pub. Ac'ts.

The Auditor of Public Accounts, in obedience to an act of the General Assembly, entitled "An act concerning the Auditor of Public Accounts and Treasurer of State," submits the following report, to wit:

There has been received from sundry collectors from the 29th Nov. 1823, exclusive, to the 31st December 1824, inclusive, on account of revenue arising for the year 1823, and for balances due for the years 1817, 1821 and 1822,	
The sum of	\$24,181 95
From sundry collectors for the year 1824, the sum of	26,693 30
On loans exclusive of seminary funds on hand last year, the sum of	5,550 00
Receipts of superintendents of salt lick reserves	111 65
Damages collected of late collectors of Clark county,	62 76
Collections of unlisted property and delinquents, certified to me by the Treasurer, the sum of	153 48
From John Carr, late agent at Indianapolis,	85 50
From B. F. Morris, present agent, the sum of	4,974 25
Making in all, the sum of	\$61,812 89
There was a deficiency of monies to meet the claims audited to the 29th of Nov. 1823, as per former report,	
The sum of	\$971 91
Since that period to the 31st Dec. 1824, there has been audited in liquidation of the accounts of the state prison,	1,689 22
In liquidation of the Judiciary department, the sum of	7,046 91
In liquidation of the executive department, the sum of	2,750 00
In liquidation of militia expenses, the sum of	125 00
In liquidation for stationary for the use of the last General Assembly, the sum of	193 19
In liquidation of the expenses of the last General Assembly, and special appropriations which come under no general head, the sum of	11,973 62
In liquidation of the Attorney General's salary, the sum of	200 00
In liquidation of the expenses for the Presidential election, the sum of	272 92
In liquidation of the public printing, the sum of	2,769 84
In liquidation of expenses for circuit prosecutors,	214 50
In liquidation for interest on loan,	291 00
In liquidation for interest on treasury notes,	905 74

In liquidation of the seat of Government accounts,	527 50
In addition to the above sum audited, there has been paid to the commissioners of Marion county, the sum of	4,749 25
In liquidation of the contingent expenses of Government,	660 10
Error in over payment by Col. Noble	107 00
Making in all the sum of	\$35,447 70

Which deducted from the sum of \$61,812 89 as reported to have been received, will leave a balance in the hands of the Treasurer, provided all the claims audited to this date have been paid, the sum of \$26,365 19 cents, from which deducting \$983 60 retained by the former Treasurer, leaves a balance of \$25,381 39.

The assessments of all the counties in the state for revenue for the year 1824, is \$43,025 63

Delinquent list for 1822 and 1823, the sum of 1,263 21

From delinquents and unlisted lands, the following returns have been made of money collected:

From the county of Clark, \$194 82; from the county of Daviess, \$18 50; from the county of Fayette, \$7 39; from the counties of Washington, Gibson and Franklin, \$153 48, as above reported to have been received by Treasurer; from Marion, \$8 50; Montgomery, \$5 50; Orange, \$7 15; Pike, \$4 30; Union, \$51 93, In all,

\$451 57

Sum total, \$44,740 41

Delinquent credits returned from 37 counties, for 1824, the sum of \$3,935 67

Allowance for advertising, 239 25

For maps furnished different counties, 106 00

Probable delinquencies and allowances yet to be made, the sum of 1,300 00

Commission on amount calculated to be paid, 3,240 00

Sum total, \$8,820 92

Leaving a balance for the Treasury, of \$35,919 49

The following items constitute the state debt:

Treasury notes, \$20,000 00

Road and canal fund, principal and interest, 6,200 00

United States' assignees of Vincennes bank, 2,210 34

Frederick Rapp, the sum of 5,000 00

Seminary fund, the sum of 971 76

Estimated interest for Treasury notes,	300 00
Sum total,	\$34,682 10
From which deduct the amount on hand, amounting to	25,331 39
Leaving a balance of	9,300 71

All of which is respectfully submitted,

WM. H. LILLY, Aud. Pub. Ac'ts.

Which was read and referred to the committee of ways and means.

Mr. Rariden laid before the Senate the petitions of Aaron W. Laughlin and others, Charles F. Reid and others, praying the establishment of a certain state road from Centreville in Wayne county, to Newcastle in Henry county; which were read, and referred to the committee on roads and canals. Also, the petition of the heirs of Levi Jones, deceased, praying authority to sell and convey certain real estate; which was read and referred to the judiciary committee.

On motion by Mr. Graham,

Ordered, That the committee on the 3 per cent. fund, be instructed to examine the report and vouchers of the agent of the 3 per cent. fund and report thereon.

Mr. Ewing, asked and obtained leave, to introduce a bill to authorize the Auditor to procure maps &c. which was read a first time, and ordered for a second reading on Monday next.

Mr. Stapp, asked and obtained leave, to introduce a bill to repeal the 10th 11th and 12th sections of an act "organizing circuit courts, and defining their powers and duties,"—approved, 30th January 1824; which was read a first time and ordered for second reading on Monday next.

Mr. Gregory, laid before the Senate the petition of Absalom Lowe and others, praying an alteration in the boundaries of Johnson county; which was read and referred to a select committee, consisting of Messrs. Gregory, Graham and Milroy.

Mr. Chambers, from the committee appointed on that subject, now reported a bill for the re-location of the seat of justice of Lawrence county; which was read and ordered for second reading on Monday next.

Mr. Ewing, offered for consideration and adoption, the following resolution, to wit:

Resolved, That the committee on military affairs, be instructed to inquire into the expediency of providing for the instruction of commissioned and non-commissioned regimental militia officers, and requiring their attention to drill ten days in each year, and also of changing the regimental and other muster

days, so that the private men will not, (unless when they voluntarily adopt company muster days,) be required by law to turn out to drill more than twice in the year; and the said resolution was read and adopted.

The engrossed bill, requiring certain persons to give notice of petitions to the General Assembly, whereby private rights may be affected; was read a third time and passed.

Ordered, that Mr. Ewing inform the House of Representatives thereof, and request their concurrence therein.

The joint resolution offered by Mr. Pennington, on yesterday, relative to the functionaries of government; was read a second time, ordered to be considered as engrossed, and read a third time on Monday next.

The bill for the relief of David Arnold, was read a second time, committed to a committee of the whole Senate and made the order of the day for Monday next.

Mr. Gregory offered the following resolution for consideration, to wit:

Resolved, That the Senate hereafter, will admit a reporter to a seat that shall be provided for that purpose, in some convenient place in the Senate chamber; and the said resolution being read, was ordered to lie on the table.

Mr. Chambers, laid before the Senate the memorial of Benjamin Blackwell, against the removal of the seat of justice of Lawrence county; which was read and referred to the committee of the whole, to whom that subject had been committed.

And the Senate adjourned to 2 o'clock, P. M.

2 o'clock, P. M.

Senate assembled.

On motion by Mr. Pennington,

The Senate now proceeded to consider the resolution offered by Mr. Gregory, relative to furnishing a seat to a reporter, within the bar of the Senate chamber, and the same having been considered, was withdrawn—when Mr. Milroy offered the following as a substitute to the foregoing resolution, to wit:

Resolved, That the several editors of newspapers at the seat of government, have the liberty of a seat on the floor of the Senate chamber, for the purpose of reporting and publishing the debates and proceedings of the Senate during the present session; and the President of the Senate assign seats for that purpose; which was read and adopted.

On motion by Mr. Thompson,

Resolved, That the judiciary committee be instructed to enquire into the expediency of forming an additional judicial cir-

cuit, and changing the present terms from two to three terms in the year; and report thereon by bill or otherwise.

Mr. Ewing offered for the consideration of the Senate, the following resolution, which was read, to wit:

Resolved, That the committee on the judiciary, be instructed to enquire into the expediency of so amending an act, entitled "An act organizing circuit courts, and defining their powers and duties"—approved, January 30th, 1824, that one associate judge shall not have power to issue writs of habeas corpus, or proceed to trial thereon; and that in all cases it shall require the two associate judges, or the president of the circuit, to grant such writ; with leave to report thereon, by bill or otherwise; and on the question, shall the said resolution be adopted? The ayes and noes being demanded by two members:

Mr. Ewing voted in the affirmative.

And those who voted in the negative were,

MESSRS. Chambers, Craig, Givens, Graham, Gray, Gregory, Johnson, Milroy, Montgomery, Pennington, Rariden, Stapp, Thompson and Mr. President—14.

So it was decided in the negative, and the said instructions refused.

Mr. Thornton, chief clerk of the House of Representatives, now informed the Senate, that the House of Representatives had passed the joint preamble and resolutions relative to purchasers of public lands, (which originated in the Senate) without amendment; also, that they had passed an engrossed bill, entitled "an act legalizing the proceedings of the courts doing county business in the counties of Marion, Hamilton and Allen;" and an engrossed bill, entitled "an act to legalize the proceedings of the board of justices of the county of Hendricks at their November term, 1824; also that they had passed the following resolution, to wit:

Resolved by the House of Representatives, That the committees of the two Houses on Military affairs, be instructed to meet together at such time and place as the chairmen of their respective committees shall appoint, and report such amendments to the militia law now in force, as they may deem expedient; and that the Senate be informed thereof and their concurrence requested.

The said resolution having been read, was concurred in; and the two last mentioned bills from the House of Representatives were also severally read, and ordered for second reading on Monday next. And

The Senate adjourned to 9 o'clock on Monday morning.

MONDAY, JANUARY 17, 1825.

The Senate assembled.

Mr. Milroy laid before the Senate, the petition of William Rodman and others, praying additional compensation for erecting a bridge over the Muscatituck river; which was read and referred to a select committee, consisting of Messrs, Milroy, Thompson and Gregory, to report thereon by bill or otherwise.

Mr. Thompson laid before the Senate, the petition of James C. Caldwell and others, securities of the late collector of Clark county, praying certain relief therein named; which was read and referred to the judiciary committee, to report thereon.

Mr. Gray laid before the Senate, the petition of Ezra Ferris and others, praying an alteration in certain parts of the state road leading from Lawrenceburgh to Indianapolis; which was read and referred to the committee on roads and canals, with leave to report thereon.

Mr. Graham, from the judiciary committee, now reported a bill to dissolve the bans of matrimony between Thomas Hight and Celia, his wife; which was read and ordered for second reading to-morrow.

Mr. Stapp asked and obtained leave to introduce a bill to abolish imprisonment for debt in certain cases; which was read and ordered for second reading to-morrow.

Mr. Ewing, on leave being granted, introduced a bill in addition to acts of incorporation; which was read, and ordered to second reading to-morrow.

On motion by Mr. Thompson,

Resolved, That the judiciary committee be instructed to draft and lay before the Senate, a bill providing for leasing the seminary and school lands in this state.

Mr. Rariden, from the committee on enrolled bills, now reported: That they had compared the enrolled "joint resolution relative to purchasers of public lands," with the engrossed resolution—and find the same truly enrolled.

Mr. Rariden offered the following resolution, to wit:

Resolved by the Senate, That they will, on this day at two o'clock, P. M. meet the House of Representatives in the Representative Hall, for the purpose of electing one president judge in the fifth judicial circuit; and that the House of Representatives be informed thereof, and a similar resolution on their part requested.

Mr. Rariden offered for consideration and adoption, a resolution relative to the books and furniture in the secretary's office; which, after undergoing various amendments, so as to read as follows, to wit: "*Resolved*, That the secretary o state

be requested to lay before the Senate and House of Representatives, as soon as practicable, a catalogue of the books and furniture in his office; and that the House of Representatives be informed thereof.

Mr. Pepper, from the House of Representatives, informed the Senate, that the House of Representatives had adopted the following resolution, to wit:

Resolved, That a committee be appointed on the part of this House, to act with a similar committee on the part of the Senate, whose duty it shall be to take an inventory of all the books in the office of the secretary of state, belonging to this state, and report the same to both Houses of this General Assembly—that the Senate be informed thereof and their concurrence requested; and that the House of Representatives on their part, have appointed Messrs. Pepper, Armstrong and Jackson that committee.

Mr. Chambers offered for consideration the following resolution, to wit:

Resolved, That the Senate meet the House of Representatives this day at two o'clock, in the Representative Hall, to elect one president judge for the first judicial circuit; and that the House of Representatives be informed thereof. Which resolution was rejected.

Mr. Chambers, from the select committee on the subject, now laid before the Senate, a bill, supplemental to an act, entitled "An act declaring certain streams therein named, public highways"—approved, January 26th, 1824; which was read, and ordered for second reading to-morrow.

The bill to authorize the auditor to procure certain maps, was read a second time, committed to a committee of the whole Senate, and made the order of the day for to-morrow.

The resolution relative to epithets to public functionaries, was taken up; and

On motion,

The orders of the day were postponed, the said resolution committed to a committee of the whole Senate, and made the order of the day for this day now.

Whereupon,

The Senate now resolved itself into committee of the whole Senate, on the said resolution:

Mr. Grass in the chair;

And after some time spent therein, the committee rose;

And Mr. Chairman reported the same without amendment.

Mr. Montgomery then moved that the further consideration of the said resolution be indefinitely postponed. And on the question, shall the further consideration of the resolution be

indefinitely postponed? The ayes and noes being demanded by two members:

Those who voted in the affirmative were,

MESSRS. Chambers, Craig, Ewing, Givens, Graham, Grass, Gray, Gregory, Johnson, Montgomery, Rariden, Stapp and Mr. President—13.

And those who voted in the negative were,

MESSRS. Milroy, Pennington and Thompson—3.

So the said motion was decided in the affirmative; and the further consideration of the said resolution was indefinitely postponed.

The bill to repeal the tenth, eleventh and twelfth sections of "an act organizing circuit courts, and defining their powers and duties," approved, January 30th, 1824—the bill appointing commissioners to re-locate the seat of justice of Lawrence county, were severally read a second time, severally committed to committees of the whole Senate, and severally made the order of the day for to-morrow.

The engrossed bill from the House of Representatives, legalizing the proceedings of the courts doing county business in the counties of Marion, Hamilton and Allen, was now read a second time, and ordered to lie on the table.

Mr. Thornton, from the House of Representatives, informed the Senate, that the House of Representatives had adopted the following resolution, to wit:

Resolved by the House of Representatives, That they will on this day, at two o'clock, P. M., meet the Senate in the Representative Hall, for the purpose of electing a president judge for the fifth judicial circuit, to fill the vacancy occasioned by the resignation of the Hon. William W. Wick—and that they will also, at the same time and place, proceed to the election of a president judge in the first judicial circuit, to fill the vacancy occasioned by the resignation of the Hon. Jacob Call; that the Senate be informed thereof and their concurrence herein requested,

And the said resolution having been read, it was moved to concur in so much thereof as relates to the president judge of the first judicial circuit; which motion was decided in the negative. And

The Senate adjourned to 2 o'clock, P. M.

2 o'clock, P. M.

Senate assembled.

Ordered, That Mr. Grass be teller on the part of the Senate, in the election by both branches of the General Assembly, to

select a president judge for the fifth judicial circuit; and that Mr. Farnham inform the House of Representatives thereof.

The Senate now according to order, resolved itself into committee of the whole Senate, on the bill for the relief of David Arnold:

Mr. Ewing in the chair;

When after some time spent therein, the committee rose;

Mr. President resumed the chair, and

Mr. Chairman reported: That the committee of the whole Senate had, according to order, had the said bill under consideration, and had instructed him to report the same without amendment. And

On motion,

The further consideration of the said bill was indefinitely postponed.

Mr. Stapp laid before the Senate, the petition of certain persons, denominating themselves the first Baptist church at Indianapolis, praying a grant of a lot in Indianapolis, for the purpose of erecting a church thereon; and the same being read, was referred to a select committee, consisting of Messrs. Stapp, Johnson, Givens and Gregory, to report thereon by bill or otherwise.

Mr. Palmer, a member of the House of Representatives, informed the Senate, that the House of Representatives had passed the following resolution, to wit:

Resolved, That the Senate be informed, that the House of Representatives are now ready to receive them in the Representative Hall, for the purpose of going into the election of a president judge of the fifth judicial circuit, agreeably to the resolution of this day; that seats are prepared on the right of the Speaker's chair, assigned for their accommodation; and that the House of Representatives have on their part, appointed Mr. Palmer, teller.

The Senate then, preceded by the President, proceeded to the Representative Hall, and both branches of the General Assembly then proceeded to the election of a president judge for the fifth judicial circuit in the state of Indiana, in the room of the Hon. William W. Wick, resigned; when, upon counting the votes, Bethuel F. Morris was declared to be duly elected president judge of the fifth judicial circuit in the state of Indiana, to fill the vacancy occasioned by the resignation of the Hon. William W. Wick; and the Senate then returned to their chamber.

On motion by Mr. Ewing,

The resolution heretofore offered by him for adoption, on the subject of enquiring into the expediency of repealing the

fourteenth and fifteenth sections of the act subjecting real and personal property to execution, approved, 30th January 1824, and confining the collection of all judgments to the provisions of the several laws under which the several debts were contracted, was now again taken up and read; and on the question, shall this resolution be adopted? The ayes and noes having been called for:

Those who voted in the affirmative were,

MESSRS. Ewing, Gregory and Montgomery.

And those who voted in the negative were,

MESSRS. Chambers, Craig, Givens, Graham, Grass, Gray, Johnson, Milroy, Pennington, Rariden, Stapp, Thompson and Mr. President—13.

So it was decided in the negative. And

The Senate adjourned to 9 o'clock to-morrow morning.

TUESDAY, JANUARY 18, 1825.

Senate assembled.

Mr. Grass laid before the Senate, the petition of Thomas Atherton and others, praying that a part of Warrick county may be attached to the county of Spencer; which petition was read and referred to a select committee, composed of Messrs. Grass, Givens, Montgomery and Graham, to report thereon by bill or otherwise.

On motion by Mr. Rariden,

Resolved, That a select committee be appointed to enquire into the propriety of abolishing the office of agent at Indianapolis.

Ordered, That Messrs. Rariden, Graham, Stapp, Gray, Givens and Pennington be that committee.

Mr. Milroy, from the committee on the subject, introduced a bill allowing further compensation for building a bridge over the river Muscatituck; which was read a first time—the rule requiring bills to be read on three several days, was dispensed with, the said bill read a second time now, and ordered to be engrossed for third reading to-morrow.

Mr. Gregory, from the select committee on the subject, reported a bill attaching a part of the county of Johnson to the county of Morgan, and for other purposes; which was read and ordered for second reading to-morrow.

Mr. Chambers laid before the Senate, the petition of William Connelly and others, praying the establishment of a state road from the house of Jacob Halfacre, in Lawrence county, to Terre-Haute; which was read and referred to the committee on roads and canals.

Mr. Thompson laid before the Senate, the petition of Joseph Carter, praying a change of venue in a certain prosecution instituted against him; which was read and referred to the judiciary committee, to report thereon.

Mr. Thompson offered for consideration, the following resolution, to wit:

Resolved, That the committee on the judiciary be instructed to enquire into the expediency of reporting a bill, the provisions of which shall render all contracts and obligations entered into after the day of , 182 , in the nature of security or bail, void; always excepting such security obligations, as the laws have authorized, or may require from public officers—And on the question, shall this resolution be adopted? The ayes and noes being demanded by two members:

Those who voted in the affirmative were,

MESSRS. Craig, Graham, Gray, Grass, Johnson, Milroy, Thompson and Ray, pres't—8.

And those who voted in the negative were,

MESSRS. Chambers, Ewing, Givens, Gregory, Montgomery, Pennington, Rariden and Stapp—8.

The Senate being equally divided, the said resolution was therefore not adopted.

Mr. Montgomery, from the select committee to whom was referred the petition of Philip Briscoe, relative to a certain fine, now reported a bill providing for the refunding of fines, &c.; which was read, and ordered for second reading to-morrow.

Mr. Chambers, from the select committee on the memorial of Benjamin Blackwell, now reported: That in the opinion of this committee, the bill reported for the re-location of the seat of justice of Lawrence county, makes ample provision for all the owners of lots in the present town of Palestine; and the said report was referred to the committee of the whole, to whom was committed the said bill.

The bill to dissolve the banns of matrimony between Thomas Hight and Celia, his wife, was read a second time.

Whereupon,

Mr. Rariden moved, that the further consideration of the said bill be indefinitely postponed. And on the question, shall the further consideration of this bill be postponed indefinitely?

The ayes and noes being demanded by two members:

Those who voted in the affirmative were,

MESSRS. Ewing, Givens, Gray, Johnson, Montgomery, Pennington, Rariden and Stapp—8.

And those who voted in the negative were,

MESSRS. Chambers, Craig, Graham, Grass, Gregory, Milroy, Thompson and Ray, pres't—8.

The Senate being equally divided, the said bill was therefore retained. And

On motion,

The said bill was committed to a committee of the whole Senate, and made the order of the day for to-morrow.

The bill to abolish imprisonment for debt in certain cases, was now taken up, read a second time, the several orders of the day postponed for the present, and the said bill committed to a committee of the whole Senate, and made the order of the day for this day now.

Whereupon,

The Senate now according to order, resolved itself into committee of the whole, on the said bill:

Mr. Gray in the chair;

When, after some time spent thereon, the committee rose;

Mr. President resumed the chair, and

Mr. Chairman reported: That the committee of the whole Senate had, according to order, had the said bill under consideration; had made some progress therein, but not having time to go through the whole bill, had instructed him to ask leave to sit again; and

On motion, leave was granted; and

On motion by Mr. Thompson,

The committee of the whole was discharged from the further consideration of the said bill.

Mr. Ewing then moved, that the further consideration of the said bill be indefinitely postponed; and on this question, the ayes and noes being demanded by two members:

Those who voted in the affirmative were,

MESSRS. Craig, Ewing, Givens, Gray, Montgomery and Pennington—6.

And those who voted in the negative were,

MESSRS. Chambers, Graham, Grass, Gregory, Johnson, Milroy, Stapp, Thompson and Ray, pres't—9.

So it was decided in the negative. And

On motion by Mr. Thompson,

The said bill was committed to the judiciary committee.

The bill in addition to acts of incorporation, was read a second time, committed to a committee of the whole Senate, and made the order of the day for to-morrow. And

The Senate adjourned to two o'clock, P. M.

2 o'clock, P. M.

Senate assembled.

The bill supplemental to an act, entitled "An act declaring certain streams therein named, public highways," approved, January 26th 1824, was now taken up, read a second time, and ordered to lie on the table.

Mr. Thornton, principal clerk of the House of Representatives, now informed the Senate, that the House of Representatives had passed an engrossed bill, entitled "An act for the relief of the securities of the late sheriff of Floyd county," and an engrossed bill, entitled "An act for the relief of collectors of the state revenue for the year 1824;" in both of which bills, they request the concurrence of the Senate.

The Senate now, according to order, resolved itself into committee of the whole Senate, on the bill to authorize the auditor to procure certain maps, plats, &c.

Mr. Givens in the chair; and

After some time spent thereon, the committee rose; and

Mr. Chairman reported: That the committee of the whole Senate had, according to order, had the said bill under consideration; had made an amendment thereto, by striking out the first and second sections thereof; and had instructed him to request the concurrence of the Senate therein. And on the question, will the Senate concur with the committee of the whole in the amendment made to said bill? The ayes and noes being demanded by two members:

Those who voted in the affirmative were,

MESSRS. Chambers, Craig, Givens, Graham, Grass, Gray, Gregory, Johnson, Milroy, Montgomery, Pennington, Stapp, Thompson and Ray, pres't—14.

And Mr. Ewing voted in the negative.

So the said amendment made in committee of the whole, was concurred in. And

On motion by Mr. Graham,

The further consideration of the said bill was postponed indefinitely.

The engrossed bill from the House of Representatives, for the relief of collectors of the state revenue, for the year 1824, and the bill for the relief of the securities of the late sheriff of

Floyd county, from the House of Representatives, were severally read a first time, and severally ordered for second reading to-morrow.

On motion by Mr. Pennington,

The committee of the whole Senate was discharged from the further consideration of the bill to repeal the tenth, eleventh and twelfth sections of an act organizing circuit courts, and defining their powers and duties; approved, January 30th, 1824.

Mr. Rariden then moved, that the further consideration of the bill be indefinitely postponed. And on this question, the ayes and noes being demanded by two members:

Those who voted in the affirmative were,

MESSRS. Chambers, Craig, Givens, Graham, Grass, Gregory, Johnson, Milroy, Montgomery, Rariden and Ray, pres't—12.

And those who voted in the negative were,

MESSRS. Ewing, Pennington, Stapp, and Thompson—4.

So it was decided in the negative. And

The Senate adjourned to 9 o'clock to-morrow morning.

WEDNESDAY, JANUARY 19, 1825.

Senate assembled.

The President laid before the Senate, the following communication, from his Excellency, the Governor, to wit:

Indianapolis, Jan. 13, 1825.

DEAR SIR—It becomes my duty, through you to inform the Senate, that a vacancy has taken place in the agency for the state at this place, by the resignation of B. F. Morris, Esq.

With much respect,

Your obed't serv't.

WILLIAM HENDRICKS.

JAMES B. RAY, Esq.,

Pres't pro tem. of the Senate.

Which communication was read and ordered to lie on the table.

The President also laid before the Senate, the following communication from the canal commissioners, to wit:

To the Honourable, the General Assembly

of the state of Indiana:

The commissioners appointed by the last General Assembly to open a canal at the Falls of the Ohio, respectfully report—

That without delay, they addressed a memorial to the Legislature of Ohio, a copy of which is herewith transmitted. A communication from his Excellency, the Governor of Ohio, has been very lately received, including a copy of certain joint resolutions of the Ohio Legislature of the 25th February last, in answer to the memorial submitted to them. The Legislature of Ohio express therein, the deep interest which they feel for the success of the undertaking, and their willingness to participate in a work of the kind; but previously require from the Legislature of this state, propositions more definite in character than those laid before them, to be compared with such as they may receive from the state of Kentucky, before they decide with which state they will co-operate.

The commissioners have endeavoured to obtain correct information as to the prospects of obtaining money on loan, sufficient for the completion of the work. The accompanying documents induce a belief that the money may be had for stock, issued in the name, and by the express authority of the state, irredeemable for twenty years or longer, bearing an interest of five or six per cent. payable quarterly in the city of New-York or Philadelphia. The above conditions appear to be considered indispensable. It is mentioned that \$103 may be expected to be received for such five per cent. stock of \$100, and \$116 for six per cents.

It is believed by your commissioners, that some of the above conditions were not contemplated by the act authorizing this loan, and they do not, on that account, consider themselves warranted in proceeding without a further expression of the will of the General Assembly now in session. They presume not, to recommend a course to be presumed by the General Assembly, in deciding on a measure of such great and general interest. The reports of engineers, Messrs. Bates and Kelly, herewith transmitted, afford the best information in their possession on the subject of the cost and profit of such a canal. They will only observe, that should the investment of money in the canal to half the amount of the cost, be profitable & productive of revenue to the state when finished, or in a reasonable time thereafter, an investment to the whole amount would be much more so, without being subject to the misunderstandings often incident to partnerships, otherwise it would be but right that the states of Ohio, Pennsylvania, Virginia and Kentucky, those most incommoded by the Falls, should, whenever it suited them, do at their own cost, that which would most benefit them.

It is believed that the unexpended balance of the state road fund, would be as beneficially applied towards the canal by

re-appropriation, as it is at the present time, received as it probably will be, in small annual payments.

A memorial was forwarded to the Legislature of Pennsylvania, desiring their assistance; and a letter was addressed to our representation in Congress, requesting their joint exertions in obtaining a loan from the General Government in favour of the canal. No answer has been received from either.

All of which is respectfully submitted.

WILLIAM HENDRICKS,
CHRISTOPHER HARRISON.

Indianapolis, Jan. 18, 1825.

And the said communication was referred to the committee on roads and canals.

Mr. Gregory laid before the Senate, the petition of William A. Holliday and others, praying an alteration in the state road from Big Sand creek to Rushville; which was read and referred to the committee on roads and canals.

Mr. Stapp laid before the Senate, the petition of the trustees of Madison, praying that additional powers may be vested in that incorporation, relative to the collection of taxes—also the petition of sundry citizens of Madison, praying a suspension of the law incorporating that town; both of which were read and referred to a select committee, consisting of Messrs. Stapp, Johnson, Thompson and Milroy, to report thereon.

Mr. Milroy, from the joint committee on the subject, now reported a joint resolution of the General Assembly, in reference to General Lafayette; which was read, the rule requiring bills and joint resolutions to be read on three several days, dispensed with, and the said joint resolution read a second and third time and passed unanimously.

Ordered, That Mr. Milroy inform the House of Representatives thereof, and request their concurrence therein.

Mr. Givens offered for consideration and adoption, the following resolution, to wit:

Resolved, That the committee on the judiciary be instructed to enquire into the expediency of changing so much of the tenth section of the act authorizing the appointment of circuit prosecutors, so as to vest said appointment in the General Assembly; with leave to report by bill or otherwise. And on the question, shall this resolution be adopted? It was determined in the negative.

Mr. Thompson, on leave being granted, introduced a bill to amend "an act regulating the practice in suits at law"—approved, 30th January, 1824; which bill was read and ordered for second reading to-morrow.

Mr. Gregory offered for adoption, the following resolution, to wit:

Resolved, That a committee be appointed to enquire into the expediency of selecting some one of the reserved lots in the town of Indianapolis, for the purpose of building on the same, this ensuing season, a convenient brick building for the accommodation and use of the Governor of the state; and the same committee present to this House, a plan of said building, with leave to report by bill or otherwise; and that the House of Representatives be informed thereof, and a similar committee appointed on their part.

And the said resolution having been read, was ordered to lie on the table.

Mr. Thornton, principal clerk of the House of Representatives, informed the Senate, that the House of Representatives had passed the joint resolution from the Senate, relative to Major-general Lafayette, without amendment—also, that they had passed the following resolution, to wit:

Resolved, That the judiciary committee of the House of Representatives, be instructed to meet with the judiciary committee on the part of the Senate, for the purpose of arranging the circuit courts; that the Senate be informed thereof, and their concurrence therein requested.

And the same having been read, was concurred in.

Mr. Ewing offered for consideration and adoption, the following resolution, to wit:

Resolved, That the Governor be requested to enquire of the proper departments, and transmit to the Senate, such information as may be found in the archives thereof, relating to the present situation of the Bank of Vincennes, the State Bank of Indiana; and to the present validity or nullity of the acts incorporating the same—and whether the legal franchises of the bank be forfeited, or any seizure of its effects taken place, by order of the counsel of the state. Also, a list of the stockholders, and what portion of their stock, or instalments thereon, has been paid—and the opinion of the attorney-general, whether, if the Harmony Society of George and Frederick Rapp, by whatever name their stock in said institution may appear, should not be viewed as responsible in law to the party interested, for the balance due on said stock before their departure from the state; which was read and adopted.

Mr. Ewing also offered the following resolution, to wit:

Resolved, That the committee on the judiciary be instructed to enquire into the expediency of amending “an act regulating the admission and practice of attorneys and counsellors at law;” approved, January 31st, 1824; so that all practising attorneys

and counsellors shall, before admission to practice hereafter in any circuit court, file a bond with approved freehold security, in the penal sum of \$ to be recoverable by summary process, in case of malfeasance or misfeasance, or wilful neglect in any way touching their professional duty or duties; and that a judgment may be entered in the proper county upon motion and proof, that money received for the use of a client, has not been regularly and duly paid over, or that cost have unnecessarily accrued, without delay or other process, and the security shall be liable therefor—with power to report by bill or otherwise. And on the question, shall this resolution be adopted? The ayes and noes being demanded by two members:

Those who voted in the affirmative were,

MESSRS. Ewing, Gray, Milroy and Montgomery—4.

And those who voted in the negative were,

MESSRS. Chambers, Craig, Givens, Graham, Grass, Gregory, Johnson, Pennington, Rariden, Stapp, Thompson and Ray, Pres't—12.

So it was decided in the negative. And

The Senate adjourned to 2 o'clock, P. M.

2 o'clock, P. M.

Senate assembled.

The engrossed bill allowing further compensation for building a bridge over the Muscatituck river, was read a third time and passed.

Ordered, That it be entitled "An act, &c." and that Mr. Milroy inform the House of Representatives thereof, and request their concurrence therein.

The bill attaching part of the county of Johnson to the county of Morgan, was read a second time, committed to a committee of the whole Senate, and made the order of the day for to-morrow.

The bill to refund fines when the same has been remitted, or shall hereafter be remitted by the Governor, was read a second time, and ordered to be engrossed for third reading to-morrow,

The engrossed bill for the relief of collectors of the state revenue for the year 1824, from the House of Representatives, and the engrossed bill for the relief of the securities of the late sheriff of Floyd county, from the House of Representatives, were severally read a second time, and ordered for third reading to-morrow.

Mr. Thornton, from the House of Representatives, informed the Senate, that the House of Representatives had passed an engrossed bill, entitled "an act to provide for taking the enu-

meration of the free white male inhabitants over the age of twenty-one years; in which they request the concurrence of the Senate. Also, that the Speaker of the House of Representatives has signed the joint resolution respecting purchasers of public lands; which joint resolution he handed to the President of the Senate for his signature—and the same having been signed by the President of the Senate, was handed to the committee on enrolled bills, to be laid before the Governor for his approval and signature.

The Senate now according to order, resolved itself into a committee of the whole, on the bill appointing commissioners to re-locate the seat of justice of Lawrence county:

Mr. Gregory in the chair;

And after some time spent thereon, the committee rose;

Mr. President resumed the chair; and

Mr. Chairman reported: That the committee of the whole Senate had, according to order, had the said bill under consideration, and had made sundry amendments thereto, in which they had instructed him to request the concurrence of the Senate. And the said several amendments were severally read at the Secretary's table, and concurred in; except the amendment made therein, by striking out the words "White river," which was not concurred in. The said bill was then ordered to be engrossed for third reading to-morrow.

The Senate now according to order, resolved itself into committee of the whole, on the bill in addition to the acts incorporating towns, &c.

Mr. Chambers in the chair;

And after some time spent thereon, the committee rose;

Mr. President resumed the chair; and

Mr. Chairman reported: That the committee of the whole Senate had, according to order, had the said bill under consideration; had made sundry amendments thereto, and had instructed him to request the concurrence of the Senate therein.

And on motion,

The said bill was re-committed to a select committee, consisting of Messrs. Stapp, Ewing, Thompson and Milroy, to report thereon.

The engrossed bill from the House of Representatives, to provide for taking the enumeration of the free white male inhabitants above the age of twenty-one years, was read a first time, and ordered for second reading to-morrow.

Mr. Thompson, from the judiciary committee, now reported a bill to change the revenue in a certain case; which was read, and ordered for second reading to-morrow.

Mr. Thompson offered for adoption the following resolution, to wit:

Resolved, That the judiciary committee be instructed to prepare and lay before the Senate, a bill making it the duty of the judges of the supreme and circuit courts of this state, to note the defects in the statute laws of this state, and transmit the same to the General Assembly, at the commencement of each annual session; which was read, and ordered to lie on the table. And

The Senate adjourned to 9 o'clock to-morrow morning.

THURSDAY, JANUARY 20, 1825.

Senate assembled.

Mr. Grass laid before the Senate, the petition of William Roberts and others, praying a part of Perry county may be attached to the county of Crawford; which was read, and referred to a select committee, consisting of Messrs. Grass, Montgomery, Chambers, and Pennington, to report thereon by bill or otherwise.

Mr. Grass also laid before the Senate, the petition of J. L. Smith and others, praying the location of a state road from New Albany to Evansville; which was read and referred to the committee on roads and canals, to report thereon.

Mr. Graham, from the committee on the three per cent. fund, now made the following report, to wit:

Mr. President,

The committee, to whom was referred, the report of Christopher Harrison, agent of the three per cent. fund, together with the vouchers accompanying the same, have carefully examined said vouchers, and compared them with said report. Your committee find that the vouchers agree in every item with the report of the said agent; and in compliance with the request of the said agent, your committee respectfully beg leave to submit the following preamble and resolution, to wit:

Whereas, Christopher Harrison, agent of the three per cent. fund, has submitted to the General Assembly, vouchers for moneys by him paid to the road commissioners, appointed by an act, entitled "An act authorizing the laying off certain state roads in this state, and appropriating one hundred thousand dollars of the fund, commonly called the three per cent. fund, for opening said roads"—Approved, December 31, 1821;

and as it is the request of said agent to obtain a quietus for moneys so paid—Therefore,

Resolved by the General Assembly of the state of Indiana, That Christopher Harrison, agent of the three per cent. fund, be, and he is hereby discharged and released from any claim on the part of the state for fifty-six thousand, six hundred and sixty four dollars, twenty-eight and five-sixth cents; it being the amount for which vouchers have been laid before this General Assembly—And that a certified copy of this preamble and resolution shall be a sufficient quietus to the said agent for the same.

Whereupon,

The report aforesaid was concurred in; and the said preamble and joint resolution read a first time, and ordered to be read a second time to-morrow.

Mr. Stapp, from the select committee on the subject, now reported a bill making donations of certain squares in the town of Indianapolis; which was read a first time, and ordered for second reading to-morrow.

Mr. Chambers offered for consideration and adoption, the following resolution, to wit:

Resolved, That the Senate will meet the House of Representatives this day at two o'clock, P. M. in the Representative Hall, for the purpose of electing a president judge of the first judicial circuit of this state; that the House of Representatives be informed of the passage of this resolution, and a similar one on their part requested—And on the question, shall this resolution be adopted? The ayes and noes being demanded by two members:

Those who voted in the affirmative were,

MESSRS. Chambers, Givens, Graham, Grass, Gray, Gregory, Pennington and Thompson—8.

And those who voted in the negative were,

MESSRS. Craig, Ewing, Johnson, Milroy, Montgomery, Rariden, Stapp and Ray, pres't—8.

The Senate being equally divided, the resolution was not adopted.

On motion by Mr. Graham,

Resolved, That the standing committees of the Senate be instructed to make their several reports as soon as possible.

Mr. Gregory, on leave being given, introduced a bill for the relief of securities of public officers; which was read a first time, and ordered for second reading to-morrow.

Mr. Gregory, also laid before the Senate, a joint resolution of the General Assembly, on the subject of the removal of the land office, from Brookville to Indianapolis; which was read a first time, and ordered for second reading to-morrow.

Mr. Ewing, offered for consideration and adoption, the following resolution, to wit:

Resolved, That a committee be appointed to draft a bill, conformable to the fifth section, of the first article of our constitution, which provides—"that in all criminal cases, except in petit misdemeanors, which shall be punished by fine only, not exceeding three dollars in such manner, &c. &c." So that our citizens may not hereafter be imprisoned by the arbitrary and irritable judgment of men in office, who can shield themselves under discretionary power, where they pretend there is no written law. And the same having been read, on the question, shall this resolution be adopted? The ayes and noes being demanded:

Those who voted in the affirmative were,

MESSRS. Ewing, Milroy and Montgomery—4.

And those who voted in the negative were,

MESSRS. Chambers, Craig, Givens, Graham, Grass, Gray, Gregory, Johnson, Pennington, Rariden, Stapp, Thompson and Ray, pres't—13.

So it was decided in the negative.

The engrossed bill, providing for the refunding of fines in certain cases, was taken up, read a third time, and on motion, re-committed to a select committee, consisting of Messrs. Rariden, Thompson and Montgomery, to report thereon.

The engrossed bill, appointing commissioners to re-locate the seat of justice of Lawrence county, was read a third time—And on the question, shall this bill pass? The ayes and noes being demanded by two members:

Those who voted in the affirmative were,

MESSRS. Chambers, Craig, Givens, Graham, Grass, Gray, Gregory, Johnson, Montgomery, Thompson and Ray, pres't.—11.

And those who voted in the negative were,

MESSRS. Ewing, Milroy, Pennington, Rariden and Stapp—5.
So the bill passed.

Ordered that Mr. Chambers inform the House of Representatives thereof, and request their concurrence therein.

The engrossed bill from the House of Representatives, for the relief of collectors of the state revenue for the year 1824, was taken up and considered; when Mr. Pennington moved that the further consideration of the said bill be indefinitely postponed. And on the question, shall the further considera-

tion of this bill be indefinitely postponed? The ayes and noes having been demanded by two members:

Those who voted in the affirmative were,

MESSRS. Graham, Gregory, Johnson, Montgomery and Pennington—5.

And those who voted in the negative were,

MESSRS. Chambers, Craig, Ewing, Givens, Grass, Gray, Milroy, Rariden, Stapp, Thompson and Ray, pres't—11.

So it was decided in the negative; and

On motion,

The said bill was committed to a committee of the whole Senate, and made the order of the day for this day now:

And the Senate then according to order, resolved itself into committee of the whole, on the said bill.

Mr. Johnson in the chair;

When after some time spent therein, the committee rose;

Mr. President resumed the chair, and

Mr. Chairman reported: That the committee of the whole Senate had, according to order, had the said bill under consideration; had made an amendment thereto, and had instructed him to request the concurrence of the Senate therein. And the said amendment being read, was concurred in.

The further consideration of the said bill was then postponed until afternoon. And

The Senate adjourned to two o'clock, P. M.

2 o'clock, P. M.

Senate assembled.

The engrossed bill from the House of Representatives, for the relief of collectors of the state revenue for the year 1824, was again taken under consideration; when

Mr. Ewing offered an amendment thereto, by way of preamble; which was read and adopted—and the amendments made to the said bill were ordered to be engrossed, and with the bill, read a third time to-morrow.

The engrossed bill from the House of Representatives, for the relief of the securities of the late sheriff of Floyd county, was taken up, considered, and committed to a select committee, consisting of Messrs. Thompson, Graham, Milroy and Gregory, to report thereon.

The bill to amend the act, entitled "An act regulating the practice in suits at law," was read a second time, committed to a committee of the whole Senate, and made the order of the day for to-morrow.

The engrossed bill from the House of Representatives, to provide for taking the enumeration of the free white male inhabitants above the age of twenty-one years, was read a second time, committed to a committee of the whole Senate, and made the order of the day for to-morrow.

The bill authorizing a change of venue in a certain case, was now read a second time, committed to a committee of the whole Senate, and made the order of the day for to-morrow.

The Senate now according to order, resolved itself into committee of the whole, on the bill to dissolve the banns of matrimony between Thomas Hight, and Celia his wife.

Mr. Rariden in the chair;

And after some time spent thereon, the committee rose;

Mr. President resumed the chair, and

Mr. Chairman reported: That the committee of the whole Senate had, according to order, had said bill under consideration; had made an amendment thereto, and had instructed him to request the concurrence of the Senate therein.

And the said amendment being read, was concurred in.

Mr. Ewing then offered a proviso by way of amendment to the said bill; which was read and rejected—and the said bill, with its amendments, was ordered to be engrossed and read a third time to-morrow.

Mr. Thornton, from the House of Representatives, informed the Senate, that the House of Representatives had passed an engrossed bill to provide for the payment of certain claims, allowed by the circuit court of Sullivan county, in which the concurrence of the Senate is requested—and the said bill was read a first time, and ordered to second reading to-morrow.

Mr. Maxwell, a member of the House of Representatives, informed the Senate, that the House of Representatives had passed the bill from the Senate, allowing further compensation for building a bridge over the river Muscatituck, with an amendment thereto, in which the concurrence of the Senate is requested—and the same having been read and considered, was concurred in.

Ordered, That Mr. Farnham inform the House of Representatives thereof. And

The Senate adjourned to 9 o'clock, to-morrow morning.

FRIDAY, JANUARY 25, 1825.

Senate assembled.

Mr. Graham, from the select committee on the subject, now reported a bill for the relief of the securities of William

H. Moore, collector of the county of Clark; which was read and ordered for second reading to-morrow.

Mr. Thompson, from the select committee, to whom had been referred, the bill for the relief of the securities of the sheriff of Floyd county—now reported the same with amendments; which were read, and on motion, the further consideration of the said bill was postponed indefinitely.

Mr. Gregory, from the committee on roads and canals, now reported a bill supplemental to an act, entitled an act, declaring Blue river a public highway, and for other purposes; which was read a first time, and ordered for second reading to-morrow.

Mr. Ewing, from the select committee on the subject, now reported the bill, in addition to the acts incorporating towns, with amendments; which were read and concurred in. And the bill with its amendments, ordered to be engrossed for third reading to-morrow.

Mr. Grass, from the select committee on the subject, now reported a bill, attaching part of the county of Warrick to the county of Spencer; which was read, and ordered for second reading to-morrow.

Mr. Rariden, from the select committee to whom the subject had been committed, now reported the bill providing for refunding certain fines, with amendments; which were read and concurred in. And the said bill, with the amendments, ordered to be engrossed, and read a third time to-morrow.

Mr. Milroy, from the select committee to whom the subject had been referred, now reported a bill defining the boundaries of Washington and Clark counties; which was read a first time, and ordered for second reading to-morrow.

On motion by Mr. Grass,

Resolved, That a committee be appointed to request of his Excellency, the Governor, to lay before the Senate, the communications of the Governors of Georgia, Ohio, and Maine, as referred to in his message. And Messrs. Grass, and Montgomery were appointed that committee.

Mr. Ewing, offered for consideration and adoption, the following resolution, to wit:

Inasmuch as it is desirable to bring this session of the Legislature to a close, so soon as our duties to our constituents and the state will admit:—

Resolved, That a committee of three members of the Senate be appointed to act with such committee as the House of Representatives may appoint, to make report to each house, of such alterations of the existing laws, and such new enactments as may appear indispensable and proper, for the general

good; and that the House of Representatives be informed thereof.

And the same having been read, was rejected.

The bill to reduce the salary of the agent of the state at Indianapolis, was read a second time, when Mr. Gregory moved to strike out the words "seventy-five," and insert in lieu thereof, the words "two hundred"—the object of which amendment was, to make the salary of the agent two hundred dollars, instead of seventy-five dollars, as inserted in said bill. And on the question, shall the bill be so amended? The ayes and noes being demanded by two members:

Those who voted in the affirmative were,

MESSRS. Gray and Gregory—2.

And those who voted in the negative were,

MESSRS. Chambers, Craig, Ewing, Givens, Graham, Grass, Johnson, Milroy, Montgomery, Pennington, Rariden, Stapp, Thompson and Ray, Pres't—14.

So the said amendment was rejected; and

On motion,

The blank was filled with the words "one hundred"—and the said bill as amended, was engrossed, read a third time, and passed.

Ordered, That Mr. Gregory inform the House of Representatives thereof, and request their concurrence therein.

On motion by Mr. Gregory,

The joint resolution relative to furnishing a suitable building for the accommodation of the Governor; was now taken up, read a second time, engrossed, read a third time and adopted—and Messrs. Gregory, Johnson, Rariden, Milroy and Grass, were appointed a committee on the part of the Senate, to carry the objects of the said resolution into effect.

Ordered, That Mr. Gregory inform the House of Representatives thereof, and request their concurrence therein.

Mr. Ewing offered for consideration and adoption, the following resolution, to wit:

Resolved, That the judiciary committee be, and they are hereby instructed to make report to this House on to-morrow morning, of the arrangement of counties within the judicial circuits now contemplated. And on the question, shall this resolution be adopted? The ayes and noes being demanded by two members:

Mr. Ewing voted in the affirmative.

And those who voted in the negative were,

MESSRS. Chambers, Craig, Givens, Graham, Grass, Gray,

Gregory, Milroy, Montgomery, Pennington, Rariden, Stapp, Thompson and Ray, pres't—14.

So it was determined in the negative.

The engrossed bill from the House of Representatives, legalizing the proceedings of the commissioners of the counties of Marion, Hamilton and Allen, was read a second time, and ordered for third reading to-morrow.

The President laid before the Senate, a report from the secretary of state, accompanied with a catalogue of the books, and an inventory of furniture in his office; which were read, and ordered to lie on the table.

The engrossed bill to dissolve the banns of matrimony between Thomas Hight and Celia, his wife, was read a third time; and on the question, shall this bill pass? The ayes and noes being demanded by two members:

Those who voted in the affirmative were,

MESSRS. Chambers, Craig, Graham, Grass, Milroy, Thompson and Ray, pres't—7.

And those who voted in the negative were,

MESSRS. Ewing, Givens, Gray, Gregory, Johnson, Montgomery, Pennington, Rariden and Stapp—9.

So it was decided in the negative.

On motion by Mr. Pennington,

The committee of the whole Senate was discharged from the further consideration of the bill attaching part of the county of Johnson, to Morgan county; and the further consideration of said bill was postponed until the second Monday in December next.

The engrossed bill for the relief of the collectors of the state revenue for the year 1824, from the House of Representatives, was read a second time, and ordered to lie on the table.

The preamble and joint resolution relative to the agent of the three per cent. fund, was read a second time, and ordered to be engrossed for third reading to-morrow.

The bill making donations of certain lots and squares in the town of Indianapolis, was read a second time, committed to a committee of the whole Senate, and made the order of the day for to-morrow.

The joint resolution relative to the removal of the land-office from Brookville to Indianapolis, was read a second time, and ordered to be engrossed for third reading to-morrow.

The bill for the relief of the securities of certain officers, was read a second time, committed to a committee of the whole Senate, and made the order of the day for to-morrow.

The Senate now according to order, resolved itself into committee of the whole, on the engrossed bill from the House of Representatives, to provide for taking the enumeration of the free white male inhabitants above the age of twenty-one years:

Mr. Stapp in the chair;

And after some time spent thereon, the committee rose;

Mr. President resumed the chair, and

Mr. Chairman reported: That the committee of the whole Senate had, according to order, had the said bill under consideration, had made some progress therein, but not having time to go through the whole bill, had directed him to report the same, and to ask leave to sit again. And on the question, shall leave be granted to the committee of the whole Senate to sit again on the said bill? It was decided in the negative. The said bill was then committed to a select committee, consisting of Messrs. Stapp, Montgomery, Thompson and Ewing, to report thereon. And

The Senate adjourned to two o'clock, P. M.

2 o'clock, P. M.

Senate assembled.

Mr. Thornton from the House of Representatives, informed the Senate, that the House of Representatives had passed the bill from the Senate, to reduce the salary of the agent at Indianapolis, without amendment.

The Senate, according to order, now resolved itself into committee of the whole, on the bill to amend the act, entitled "an act regulating the practice in suits at law"—approved, January 30th, 1824:

Mr. Grass in the chair;

And after some time spent thereon, the committee rose;

Mr. President resumed the chair, and

Mr. Chairman reported: That the committee of the whole Senate had, according to order, had the said bill under consideration, had made sundry amendments thereto, and had instructed him to request the concurrence of the Senate therein.

And on motion,

The said amendments made in the committee of the whole, were all concurred in, except the following, offered by Mr. Ewing, to wit: "That judgment shall be entered up in the proper county, against any attorney or counsellor at law, upon motion in open court, accompanied by proof that he or they have collected money, and have failed to pay over the same to his or their client, any law or custom now existing to the contrary notwithstanding; and any attorney or counsellor at law, against whom such judgment as aforesaid, may hereafter be

rendered, shall be stricken from the roll of practising attorneys in said court, provided the attorney against whom the motion is to be made, shall have ten days notice of such intended motion; and on the question, shall the said amendment be adopted? The ayes and noes being demanded by two members:

Those who voted in the affirmative were,

MESSRS. Ewing and Montgomery—2.

And those who voted in the negative were,

MESSRS. Chambers, Craig, Givens, Graham, Grass, Gray, Gregory, Johnson, Pennington, Rariden, Stapp, Thompson and Ray, pres't—13.

So the said amendment was rejected.

Mr. Ewing then offered the following amendment to the said bill, to wit: That no court or judge shall conceive themselves authorized by any discretionary power, without the intervention of a jury, to imprison any citizen on a charge of contempt, but may exercise the power without such intervention of inflicting a fine of three dollars. And on the question, shall this amendment be adopted? The ayes and noes being demanded by two members:

Those who voted in the affirmative were,

Messrs. Craig and Ewing—2.

And those who voted in the negative were,

Messrs. Chambers, Givens, Graham, Grass, Gray, Gregory, Johnson, Montgomery, Pennington, Rariden, Stapp, Thompson and Ray, pres't—13.

So it was decided in the negative.

The said bill with the amendments were then ordered to be engrossed and read a third time to-morrow.

Mr Rariden offered for consideration and adoption the following resolution, to wit:

Resolved, That the judiciary committee be instructed to report a bill authorizing called sessions of the circuit courts, to be holden by, and before the president judge of the circuit, to deliver the jails in his circuit in vacation. And on the question, shall the said resolution be adopted?

Those who voted in the affirmative were,

Messrs. Chambers, Craig, Givens, Grass, Gregory, Johnson, Pennington, Rariden and Thompson—9

And those who voted in the negative were,

Messrs. Ewing, Graham, Gray, Montgomery, Stapp and Ray, pres't—6.

So it was decided in the affirmative.

The engrossed bill to provide for the payment of certain claims allowed by the circuit court of Sullivan county, was read a second time and ordered to lie on the table. And

The Senate adjourned to 9 o'clock, to-morrow morning.

SATURDAY, JANUARY 22, 1825.

Senate assembled.

Mr. Chambers laid before the Senate the petition of Asa Bales and others, praying that a part of Morgan county, may be attached to the county of Hendricks; which was read and referred to a select committee, consisting of Messrs. Chambers, Gregory, Milroy, Graham and Johnson, to report thereon.

Mr. Gray laid before the Senate, the petition of Stephen Ludlow, George Weaver and others, praying the incorporation of a company for the purpose of erecting a toll bridge over Tanner's creek, Dearborn county; which was read and referred to a select committee, consisting of Messrs. Gray, Craig, Stapp and Johnson, to report thereon.

Mr. Gregory laid before the Senate the petition of Joseph Nicholas and others, praying an act making it obligatory on the road commissioners to appropriate a certain portion of their road funds on two miles of the state road near Rushville; which was read and referred to the committee on roads and canals to report thereon.

Mr. Rariden laid before the Senate the petition of A. M. Sherman and others, praying the privilege of digging a mill-race and erecting a mill-dam on a certain reserve in Wayne county; which was read and referred to a select committee consisting of Messrs. Rariden, Pennington and Givens, to report thereon.

Mr. Rariden, from the committee on enrolled bills, now reported that they had compared the enrolled bill entitled "an act to reduce the salary of the agent of the state at Indianapolis," and find the same truly enrolled.

Mr. Stapp, from the select committee on the subject, now reported a bill to amend the act to incorporate the town of Madison; which was read a first time and ordered for second reading on Monday next.

Mr. Thompson, on leave being granted, introduced a bill authorizing the appointment of pilots at the Falls of the Ohio river, in this state; which was read a first time and ordered for second reading on Monday next.

Mr. Ray, private secretary to the Governor, now informed the Senate, that on yesterday, the governor approved and signed "a joint resolution respecting purchasers of public lands," which originated in the Senate.

Mr. Thornton, from the House of Representatives, informed the Senate, that the House of Representatives have passed an engrossed bill, entitled "an act amendatory to the act giving further powers to the agent for the state at Indianapolis, and for other purposes;" in which they request the concurrence of the Senate; and the said bill was read a first time, the rule requiring bills to be read on three several days dispensed with, the said bill read a second time now, and ordered to lie on the table.

Mr. Ewing, on leave being granted, introduced a bill to limit the discretionary power of judges and other officers in certain cases, as follows, to wit:

A bill to limit the discretionary power of judges and other officers in certain cases.

WHEREAS, The liberty of our citizens should be guarded against all discretionary power exercised by courts and men in authority, that the uncertain provisions of the common law may not be carried to such an extent as to impair or prevent the salutary provisions of our constitution, or jeopardize the personal and legal rights of our citizens:—And whereas, a contrariety of opinion has prevailed, in the absence of a correct legislative exposition of that part of the fifth section of the first article of our constitution, which provides that in all criminal cases, except in petit misdemeanors, which shall be punished by fine only, not exceeding three dollars, in such manner, &c. &c. Therefore,

Be it enacted by the General Assembly of the state of Indiana, That it shall not hereafter be lawful for any judge or judges, either in court or out of court, or any magistrate or justice of the peace, or any person or persons exercising judicial or executive authority in this state, to deprive any citizen or citizens of his, her or their liberty on any charge of contempt offered to, or supposed to be offered to such judge or judges, or justice of the peace, or other person or persons exercising judicial or executive authority; but in all such cases the discretionary power shall be confined to the infliction of a fine not exceeding three dollars, to be levied by proper authority; and in aggravated cases of actual contempt, the culprit shall be

subject to indictment by presentment, and fined or imprisoned, or sentenced to suffer both at the discretion of the traverse jury; and all fines inflicted and recovered under this act, shall be disposed of as other fines are now directed by law to be disposed of, any usage of courts to the contrary of the provisions herein contained notwithstanding; but reserving however to courts all proper chancery powers to be exercised in chancery cases.

This act shall take effect, and be in force from and after its publication.

Which was read; when Mr. Thompson moved that the said bill be rejected. And on the question, shall this bill be rejected? The ayes and noes being demanded by Messrs. Ewing and Gregory:

Those who voted in the affirmative were,

MESSRS. Chambers, Craig, Givens, Graham, Grass, Gray, Milroy, Pennington, Stapp and Thompson—10.

And those who voted in the negative were,

MESSRS. Ewing, Gregory, Johnson, Montgomery and Ray, president—5.

So the said bill was rejected.

Mr. Thornton, from the House of Representatives, informed the Senate, that the House of Representatives had passed an engrossed bill, entitled an act to amend the act; entitled "An act regulating grist mills and millers," and an engrossed bill, entitled "an act authorizing the administrator and administratrix of the estate of Thomas Osborn, deceased, to complete a conveyance of certain lands therein named," and an engrossed bill, entitled "an act to repeal the third section of the special act, entitled "an act authorizing the review of a certain state road therein named," approved January 31, 1824, and for other purposes; in which several bills the concurrence of the Senate is requested. Also, that the Speaker of the House of Representatives, had signed the bill to reduce the salary of the agent of the state at Indianapolis; which last mentioned bill, he laid before the President of the Senate, for his signature; and the same having been signed by the President of the Senate, was returned to the committee on enrolled bills, to be laid before the Governor for his approval and signature.

The engrossed bill from the House of Representatives, to amend the act, entitled an act, regulating grist mills and millers; the engrossed bill authorizing the administrator and administratrix of the estate of Thomas Osborn, deceased, to complete a conveyance of certain lands therein named, and the engrossed bill to repeal the third section of the special act,

entitled an act authorizing the review of a certain state road therein named—approved, January 31, 1824, and for other purposes, were severally read a first time, and severally ordered for second reading on Monday next.

On motion by Mr. Montgomery,

Resolved, That the committee on roads and canals, be instructed to enquire into the expediency of so altering the present state road system, that only one commissioner shall be necessary where the roads have been opened, to the discharge of any of the duties that now devolve on them; with leave to report by bill or otherwise.

Mr. Pennington offered for consideration and adoption, the following resolution, to wit:

Resolved by the Senate, That they will adjourn on the fifth day of February next *sine die*, and that the House of Representatives be informed thereof, and a similar resolution on their part requested. And on the question, shall this resolution be adopted? It was ordered to lie on the table.

Mr. Chambers offered for the consideration of the Senate, the following resolution, to wit:

Resolved, That the Senate will meet the House of Representatives, at two o'clock P. M., in the Representative Hall, for the purpose of electing one president judge for the first judicial circuit in this state; also to elect an agent for the state at Indianapolis; and that the House of Representatives be informed thereof.

And the said Resolution having been adopted, Mr. Milroy was appointed teller on the part of the Senate.

Ordered, That Mr. Chambers communicate that information to the House of Representatives.

Mr. Pepper, from the House of Representatives, informed the Senate, that the House of Representatives had adopted the following resolution, to wit:

Resolved by the House of Representatives, That they will meet the Senate this day at two o'clock P. M., in the Representative Hall, for the purpose of electing a president judge of the first judicial circuit, and an agent for the town of Indianapolis; and that seats are prepared on the right of the Speaker's chair for the members of the Senate—and that Mr. Pepper is appointed teller on the part of the House of Representatives.

On motion by Mr. Thompson,

Resolved, That the committee of ways and means be instructed to enquire whether the person or persons who have contracted to furnish wood for the present General Assembly, have or do now furnish wood agreeably to said contract, and report the result of their investigation to the Senate.

The bill for the relief of the collectors of the state revenue for the year 1824 from the House of Representatives, was taken up, read a third time; and on the question, shall this bill pass? The ayes and noes being demanded by Messrs. Pennington and Gray:

Those who voted in the affirmative were,

MESSRS. Chambers, Craig, Ewing, Givens, Grass, Gray, Milroy, Stapp, Thompson and Ray, pres't—10.

And those who voted in the negative were,

MESSRS. Graham, Gregory, Johnson, Montgomery and Pennington—5.

So it was decided in the affirmative.

Ordered, That Mr. Gray inform the House of Representatives of the passage of the said bill with amendments; in which the concurrence of the House of Representatives is requested.

And the Senate adjourned to 2 o'clock, P. M.

2 o'clock, P. M.

Senate assembled.

Mr. Rariden asked, and obtained leave, to introduce a bill making appropriations for a road from Indianapolis to Fort Wayne—And the said bill was read a first time, and ordered for second reading on Monday next.

The engrossed bill in addition to the several acts incorporating towns, was read a third time. And on the question, shall this bill pass? The ayes and noes being demanded by Messrs. Rariden and Gregory:

Those who voted in the affirmative were,

MESSRS. Chambers, Craig, Ewing, Grass, Gregory, Milroy, Montgomery, Stapp and Ray, pres't—9.

And those who voted in the negative were,

MESSRS. Givens, Graham, Gregory, Johnson, Pennington Rariden and Thompson—7.

So it was decided in the affirmative.

Ordered, That Mr. Ewing inform the House of Representatives thereof, and request their concurrence therein.

The Senate then proceeded to the Representative Hall; when both branches of the General Assembly proceeded to the election of a president judge of the first judicial circuit in the state of Indiana; when upon counting the votes, J. R. Porter was declared to be duly elected president judge of the first judicial circuit in the state of Indiana, in the room of the Hon. Jacob Call, resigned.

Both branches of the General Assembly then proceeded by joint ballot, to elect an agent for the state at the town of Indianapolis, in the room of Bethuel F. Morris, resigned; when upon counting the votes, Benjamin J. Blythe, was declared duly elected agent for the state at Indianapolis, in the room of B. F. Morris, resigned. And the Senate returned to their chamber.

The engrossed bill providing for the refunding of fines in certain cases, was read a third time and passed.

Ordered, That Mr. Montgomery inform the House of Representatives thereof, and request their concurrence therein.

The bill to amend the act, entitled an act regulating the practice in suits at law—approved, January 30, 1824, was read, and ordered to lie on the table.

The engrossed joint resolution of the General Assembly, relative to the agent of the three per cent. fund, was read a third time and passed.

Ordered, That Mr. Graham inform the House of Representatives thereof, and request their concurrence therein.

The engrossed joint resolution of the General Assembly, relative to the removal of the land-office at Brookville to Indianapolis, was read a third time; when Mr. Ray, President, having left the chair, and Mr. Pennington having taken the chair; Mr. Ray moved that the further consideration of the said resolution, be postponed until the first Monday in December next: And on the question, shall this resolution be postponed until the first Monday in December next? The ayes and noes being demanded by Mr. Ray, President, and Mr. Gregory:

Those who voted in the affirmative were,

MESSRS. Craig, Gray, Johnson, Thompson & Ray, Prest—5.

And those who voted in the negative were,

MESSRS. Chambers, Ewing, Givens, Graham, Grass, Gregory, Montgomery, Pennington, Rariden and Stapp—10.

So it was decided in the negative.

And on the question, shall this resolution be adopted? It was decided in the affirmative.

Ordered, That Mr. Gregory inform the House of Representatives thereof, and request their concurrence therein.

The following communication from the secretary of state, was laid before the Senate by the President:

SECRETARY'S OFFICE, }
22d January 1825. }

The Hon. the President of the Senate.

SIR—Since communicating an inventory of the books and

property in this office, I have discovered from an accurate examination, that of the journals of the state of Indiana, of the sixth session, and of the House of Representatives of the seventh session, there are no copies in this office—consequently the inventory reported is defective in these particulars. I have thought it my duty and interest to communicate the fact.

I have the honour, &c.

WM. W. WICK.

The Said communication was read, and ordered to lie on the table. And

The Senate adjourned to 9 o'clock on Monday next.

MONDAY, JANUARY 24, 1825.

Senate assembled.

Mr. Givens laid before the Senate, the petition of James Cross and others, citizens of Posey county, praying a re-location of the seat of justice of said county; which was read and referred to a select committee, consisting of Messrs. Givens, Grass, Ewing and Chambers, to report thereon.

Mr. Ray, private secretary to the Governor, now reported: That his Excellency did, on the twenty-second instant, approve and sign, "An act to reduce the salary of the agent of the state at Indianapolis;" which originated in the Senate.

Mr. Chambers laid before the Senate, the remonstrance of Joseph Somers and others, citizens of Morgan county, against any alteration in the boundaries of said county; which petition was read, and referred to the select committee to whom was referred the petition of sundry citizens of Johnson county on that subject.

Mr. Graham laid before the Senate, the petition of Charles Crabb, praying additional compensation for opening a part of a certain state road; which was read, and referred to the committee on roads and canals; to which committee Mr. Graham was added for this special purpose, with leave to report thereon.

Mr. Thompson from the judiciary committee, now reported a bill, to amend the act entitled "An act to regulate the judicial circuits, and fixing the times of holding courts;" which was read, and ordered for second reading to-morrow.

Mr. Gray from the select committee on the subject, now reported a bill to incorporate the Tanners' creek bridge company; which was read, and ordered for second reading to-morrow.

Mr. Thompson now asked and obtained leave, to withdraw a resolution heretofore offered by him, on the subject of instructing the judges to make annual report to the General Assembly, of such deficiencies as may appear in the statute laws of this state—and the same being withdrawn, he now offered for the consideration of the Senate, a joint resolution of the General Assembly on the same subject; which was read, and ordered for second reading to-morrow.

On motion by Mr. Ewing,

Resolved, That the committee on so much of the Governor's message as relates to the river Wabash, be instructed to meet the committee of the House of Representatives, to whom the same and other correspondent matters are referred, to take into consideration, and if possible and proper, amalgamate the subjects respectfully referred—with leave to report thereon; and that the House of Representatives be informed thereof, and their assent requested.

Ordered, That Mr. Ewing inform the House of Representatives of the adoption of said resolution, and request their concurrence therein.

On motion by Mr. Johnson,

Resolved, That the judiciary committee be instructed to enquire into the expediency of reporting a bill to the Senate, so to amend the attachment laws of this state, as to enable a creditor to sue out the writ of attachment against persons who may be residents of this state at the time of suing out the writ, on a proper affidavit being filed, that the defendant is about to remove from the state to the injury of his creditors, on giving a good and sufficient bond, with proper conditions.

On motion,

Ordered, That three hundred copies of the journals of the Senate, at their present session, be printed; and that the public printer be informed thereof.

On motion,

The Senate now resolved itself into committee of the whole, on the engrossed bill from the House of Representatives, amendatory to the act giving further powers to the agent for the state at Indianapolis, and for other purposes:

Mr. Pennington in the chair;

And after some time spent thereon, the committee rose;

Mr. President resumed the chair, and

Mr. Chairman reported: That the committee of the whole Senate had, according to order, had the said bill under consideration, had amended the same by striking it out from the enacting clause; and had instructed him to request the concurrence of the Senate therein. And

On motion,
Said amendment was concurred in. And

On motion,
The further consideration of the said bill was postponed indefinitely.

The President laid before the Senate, the following communication from his Excellency, the Governor, to wit:

Indianapolis, January 24, 1825.

To JAMES B. RAY, Esq.

Pres't pro tem. of the Senate.

SIR—In answer to a resolution of the Senate of the 19th present month, requesting information relative to the situation of the Vincennes Bank, I have the honour to transmit, letters from the secretary, the treasurer, and auditor of state, and the attorney general, to whom the resolution has been referred—also, the letter of Charles Dewey, Esquire, formerly counsel for the state in the bank case. It is respectfully suggested, that the opinion of the supreme court in that case, will give the Senate more information on the subject, than any other document; that opinion is not within my controul, but it can no doubt be procured.

With the greatest respect,

Your obed't serv't,

WILLIAM HENDRICKS.

Which communication, (with the several accompanying documents therein referred to) was read, and ordered to lie on the table.

The bill making appropriations for a road from Indianapolis to Fort Wayne, was read a second time, committed to a committee of the whole Senate, and made the order of the day for to-morrow.

The bill from the House of Representatives, legalizing the proceedings of the courts doing county business in the counties of Marion, Hamilton and Allen, was now taken up; and

On motion,

Committed to a committee of the whole Senate, and made the order of the day for to-morrow.

The bill attaching part of the county of Warrick to Spencer county; the bill for the relief of the securities of William H. Moore, collector of the revenue for the county of Clark; the bill supplemental to an act, entitled an act, declaring Blue river a public highway, and for other purposes; the bill defining the boundaries of the counties of Washington and Clark; the bill to repeal the third section of the special act, entitled an act

authorizing the review of a certain state road therein named—approved, January 31, 1824, and for other purposes; and the bill authorizing the administrator and administratrix of the estate of Thomas Osborn, deceased, to complete the conveyance of certain lands therein named, were severally read a second time, severally committed to committees of the whole Senate, and severally made the order of the day for to-morrow.

The bill to amend the act to incorporate the town of Madison, and the bill authorizing the appointment of pilots at the Falls of the Ohio river, in this state, were severally read a second time, and ordered to be engrossed for third reading to-morrow.

The engrossed bill from the House of Representatives, to amend the act, entitled an act, regulating grist mills and millers, was read a second time; and

On motion,

The further consideration thereof was indefinitely postponed.
And the Senate adjourned to 9 o'clock to-morrow morning.

TUESDAY, JANUARY 25, 1825.

Senate assembled.

Mr. Givens laid before the Senate, the petition of Elizabeth Myers, of Springfield township, Posey county, praying certain relief therein named; which was read, and referred to a select committee, composed of Messrs. Givens, Grass and Montgomery, to report thereon.

Mr. Montgomery from the committee on roads and canals, reported a bill to repeal part of an act, entitled an act, for locating certain state roads and appropriating one hundred thousand dollars of the fund commonly called the the three per cent. fund, for opening the same; which was read, and ordered for second reading to-morrow.

Mr. Stapp from the select committee to whom the subject had been referred, now reported the bill to provide for taking the enumeration of the free white male inhabitants above the age of twenty-one years, with sundry amendments thereto—which were read, and the said bill with the amendments, was referred to a committee of the whole Senate, and made the order of the day for this day.

Mr. Graham offered for the consideration of the Senate, the following resolution, to wit:

Resolved, That the judiciary committee be instructed to en-

quire into the expediency of a law, fixing the annual meetings of the General Assembly on the first Monday in January; and the same having been read—on the question, shall this resolution be adopted? The ayes and noes having been demanded by Messrs. Pennington and Chambers:

Those who voted in the affirmative were,

MESSRS. Chambers, Craig, Ewing, Graham, Grass, Gregory, Johnson, Stapp and Ray, pres't—9.

And those who voted in the negative were,

MESSRS. Givens, Gray, Milroy, Montgomery, Pennington and Thompson—6.

So it was decided in the affirmative.

The engrossed bill to amend the act, to incorporate the town of Madison, was read a third time. And on the question, shall this bill pass? The ayes and noes having been demanded by Messrs Thompson and Pennington:

Those who voted in the affirmative were,

MESSRS. Chambers, Craig, Ewing, Givens, Graham, Grass, Gray, Gregory, Johnson, Stapp and Mr. Pres't—11.

And those who voted in the negative were,

MESSRS. Pennington and Thompson—2.

So it was decided in the affirmative.

Ordered, That Mr. Stapp inform the House of Representatives thereof, and request their concurrence therein.

Mr. Thompson offered for consideration, a joint resolution of the General Assembly, in reference to a mail route from Charlestown to Newcastle; which was read, and ordered for second reading to-morrow.

On motion by Mr. Grass,

Resolved, That the committee on roads and canals, be instructed to enquire into the expediency of locating a state road from Troy, in Perry county, to Hindostan, in Martin county—and to report thereon.

The engrossed bill authorizing the appointment of pilots at the Falls of the Ohio in this state, was read a third time, and passed.

Ordered, That Mr. Thompson inform the House of Representatives thereof, and request their concurrence therein.

Mr. Ewing from the joint committee on enrolled bills, now reported: That they had compared the enrolled joint resolution in reference to Major-General Lafayette; and the enrolled act allowing further compensation for building a bridge over

the river Muscatituck, with the engrossed resolution, and engrossed bill; and find the same truly enrolled.

The Senate according to order, now resolved itself into committee of the whole, on the bill making a donation of certain squares in the town of Indianapolis:

Mr. Graham in the chair; when

After some time spent thereon, the committee rose;

Mr. President resumed the chair, and

Mr. Chairman reported: That the committee of the whole Senate had, according to order, had the said bill under consideration, and had instructed him to report the same to the Senate without amendment.

Mr. Ewing then offered the following proviso, as an amendment to the second section, to wit: *Provided*, That the ground donated under this act, shall never be converted to any other use or purpose, than that of erecting buildings for religious worship and education; nor shall any portion of it be used or appropriated for a burying ground under any pretext whatever. And on the question, shall the said amendment be adopted? The ayes and noes being demanded by Messrs Ewing and Pennington:

Those who voted in the affirmative were,

MESSRS. Chambers, Craig, Ewing, Givens, Graham, Grass, Gray, Gregory, Stapp and Thompson—10.

And those who voted in the negative were,

MESSRS. Johnson, Montgomery, Pennington and Mr. President—4.

So it was decided in the affirmative.

Ordered, That the said bill with the amendment, be engrossed, and read a third time to-morrow.

Mr. Thornton, from the House of Representatives, informed the Senate, that the House of Representatives had adopted a joint resolution, disapproving the amendment proposed by the state of Georgia, to the constitution of the United States, on the subject of the ingress of people of colour, into the several states of the Union; in which they request the concurrence of the Senate. Also, that the House of Representatives had concurred in the amendments made by the Senate, to the bill from the House of Representatives, entitled an act for the relief of the collectors of the state revenue for the year, 1824.

And the aforesaid joint resolution from the House of Representatives, was read a first time, and ordered for second reading to-morrow.

Mr. Clendenin from the House of Representatives, informed the Senate, that the House of Representatives had passed a

bill to authorize the agent of the three per cent. fund, to pay over certain monies therein named; in which they request the concurrence of the Senate.

And the said bill was read, and ordered for second reading to-morrow.

And the Senate adjourned to 2 o'clock, P. M.

2 o'clock, P. M.

Senate assembled.

The President being absent, Mr. Montgomery was called to the chair; and

On motion,

The Senate adjourned to 9 o'clock, to-morrow morning.

WEDNESDAY, JANUARY 26, 1825.

Senate assembled.

Mr. Chambers laid before the Senate, the petition of John Moser and others, citizens of Daviess county, praying that a part of Daviess county may be attached to Lawrence county; which was read, and referred to a select committee, consisting of Messrs. Chambers, Gregory, Givens and Graham, to report thereon.

Mr. Gregory laid before the Senate, the petition of Isaac Templeton and others, praying the vacation of a part of the town of Marion, in Shelby county; which was read; and referred to a select committee, consisting of Messrs. Gregory, Johnson and Craig, to report thereon.

Mr. Rariden laid before the Senate, the memorial of John Allison, an old soldier, praying certain relief therein named; which was read; and

Thereupon,

Mr. Rariden asked, and obtained leave to introduce a joint Resolution in reference to Major John Allison; which was read twice, committed to a committee of the whole Senate and made the order of the day for to-morrow.

Mr. Rariden from the select committee on the subject, reported a bill to authorize Jacob Caylor to dig a mill race and erect a mill-dam on a certain reserved section of land; which was read, and ordered for second reading to-morrow.

Mr. Rariden from the judiciary committee, reported a bill to authorize called sessions of the circuit courts; which was read, and ordered for second reading to-morrow.

Mr. Givens asked, and obtained leave to introduce a bill to amend an act, relative to saltpetre caves; which was read, and ordered for second reading to-morrow.

The engrossed bill making donations of certain squares in the town of Indianapolis, was read a third time, and passed.

Ordered, That Mr. Stapp inform the House of Representatives thereof, and request their concurrence therein.

The engrossed bill to authorize the agent of the three per cent. fund to pay over certain moneys therein named, was read a second time, committed to a committee of the whole Senate, and made the order of the day for this day.

The bill to repeal part of an act, entitled an act, for locating certain state roads, and appropriating one hundred thousand dollars of the fund commonly called the three per cent. fund, for opening the same, was read a second time, committed to a committee of the whole Senate, and made the order of the day for to-morrow.

The joint resolution of the General Assembly, in reference to a mail route from Charlestown to Newcastle, was read a second time, committed to a committee of the whole Senate, and made the order of the day for to-morrow.

The joint resolution from the House of Representatives, disapproving the amendment proposed by the state of Georgia, to the constitution of the United States, on the subject of the ingress of people of colour into the several states of the Union, was read a second time, committed to a committee of the whole Senate, and made the order of the day for to-morrow.

The bill to amend the act, entitled an act, to regulate the judicial circuits, and fixing the times of holding courts, was read a second time, committed to a committee of the whole Senate, and made the order of the day for this day now:

Whereupon,

The Senate according to order, now resolved itself into committee of the whole, on the said bill:

Mr. Gray in the chair;

And after some time spent thereon, the committee rose;

Mr. President resumed the chair, and

Mr. Chairman reported: That the committee of the whole Senate had, according to order, had the said bill under consideration, had made some progress therein, but not having time to go through the whole bill, had instructed him to report the same to the Senate, and ask leave to sit again. And on the question, shall leave be granted to the committee of the whole Senate to sit again on this bill? It was decided in the negative. The further consideration of the said bill was then postponed until to-morrow.

Mr. Thornton from the House of Representatives, informed the Senate, that the House of Representatives had adopted the following resolution, to wit:

Resolved, That the House of Representatives concur in the resolution from the Senate, requesting the committee of the House of Representatives, to whom was referred so much of the Governor's message as relates to the Wabash river, and other subjects therewith connected, to meet a similar committee on the part of the Senate; and that the Senate be informed thereof. Also, that the House of Representatives had passed a bill to incorporate the town of Charlestown, in Clark county; in which they requested the concurrence of the Senate. And The Senate adjourned to 2 o'clock, P. M.

2 o'clock, P. M.

Senate assembled.

The engrossed bill to incorporate the town of Charlestown, in Clark county, from the House of Representatives, was read a first and second time, committed to a committee of the whole Senate, and made the order of the day for to-morrow.

The bill to incorporate the Tanners' creek bridge company, was read a second time, committed to a committee of the whole Senate, and made the order of the day for to-morrow.

The Senate now according to order, resolved itself into committee of the whole, on the bill for the relief of the securities of public officers:

Mr. Givens in the chair;

And after some time spent thereon, the committee rose;

Mr. President resumed the chair, and

Mr. Chairman reported: That the committee of the whole Senate had, according to order, had the said bill under consideration, had made some progress therein, but not having time to go through the whole bill, had instructed him to report the same to the Senate, and to ask leave to sit again. And on the question, shall the committee of the whole Senate have leave to sit again on this bill? It was decided in the negative.

The bill was then referred to a select committee, composed of Messrs. Thompson, Graham, Rariden and Gregory, to report thereon.

The Senate now according to order, resolved itself into committee of the whole, on the engrossed bill from the House of Representatives, to provide for taking the enumeration of the free white male inhabitants above the age of twenty-one years:

Mr. Pennington in the chair;

And after some time spent thereon, the committee rose;

Mr. President resumed the chair, and

Mr. Chairman reported: That the committee of the whole Senate had, according to order, had the said bill under consideration, had made some amendments thereto, and had instructed him to request the concurrence of the Senate therein. When Mr. Milroy moved to fill up the blank in the third section, with two dollars fifty cents. The object of which amendment was, to allow the person taking the enumeration of the free white male inhabitants, two dollars and fifty cents per hundred; which amendment was adopted.

Mr. Ewing then moved to amend the bill, by adding to the third section, after the words "two dollars and fifty cents," the words "whose names are not on the listers' return of polls made to the auditor." And upon the question, shall this amendment be adopted? The ayes and noes being demanded by Messrs. Ewing and Pennington:

Those who voted in the affirmative were,

MESSRS. Ewing and Pennington—2.

And those who voted in the negative were,

MESSRS. Chambers, Craig, Givens, Graham, Grass, Gray, Gregory, Johnson, Milroy, Montgomery, Rariden, Stapp, Thompson and Ray, pres't—14.

So it was decided in the negative.

Mr. Ewing then moved further to amend the bill, by adding to the end of the last section, the following amendment, to wit: "*Provided*, That in all cases, it shall be proper for each and every lister appointed under this act, to call on the clerks of their respective counties, and copy of the list of polls, and note in a separate column, the additional names within the purview of this act." And on the question, shall this amendment be adopted? It was decided in the negative.

The amendments made in committee of the whole to the said bill, were then read and concurred in—and the bill as amended, ordered to be engrossed for third reading to-morrow.

And the Senate adjourned to 9 o'clock to-morrow morning.

THURSDAY, JANUARY 27, 1825.

Senate assembled.

Mr. Graham laid before the Senate, the petition of George Heath and others, and the petition of Alexander Bayley and others, praying the erection of a new county out of the counties of Vermillion and Vigo; which were read, and referred to

a select committee, consisting of Messrs. Graham, Thompson, Gray, Montgomery and Craig, to report thereon.

Mr. Rariden from the joint committee on enrolled bills, now reported: That the Speaker of the House of Representatives, had signed the joint resolution of the General Assembly, in reference to Major-General Lafayette; and the act allowing further compensation for building a bridge over the river Muscatituck—and he laid the same before the President of the Senate, for his signature; which having been signed by him, were returned to the said committee, to be laid before the Governor, for his approval and signature.

Mr. Chambers laid before the Senate, the remonstrance of Joshua Carter and others, against any alteration in Morgan county; which was read, and referred to the same committee of the whole Senate, to which the subject had heretofore been committed.

Mr. Graham from the committee on roads and canals, to whom the subject had been referred, now reported a bill for the relief of Charles Crabb; which was read a first time, and ordered for second reading to-morrow.

Mr. Rariden from the joint committee on enrolled bills, now reported: That they had compared the engrossed with the enrolled bill, entitled "An act for the relief of the collectors of the state revenue for the year 1824"—And find the same truly enrolled.

Mr. Graham from the judiciary committee, now reported a bill fixing the time of meeting of the General Assembly; which was read. When Mr. Pennington moved that the said bill be rejected. And on the question, shall this bill be rejected? The ayes and noes being demanded by Messrs. Pennington and Thompson:

Those who voted in the affirmative were,

MESSRS. Gray, Milroy, Montgomery, Pennington, Rariden and Thompson—6.

And those who voted in the negative were,

MESSRS. Craig, Ewing, Givens, Grass, Graham, Gregory, Johnson and Stapp—9.

So it was decided in the negative; and the said bill was ordered to second reading to-morrow.

Mr. Thompson from the judiciary committee, now reported a bill to amend the act, entitled an act, subjecting real and personal estate to execution—Approved, January 26, 1824; which was read a first time, and ordered for second reading to-morrow.

Mr. Gregory from the committee to whom the subject had

been referred, now reported a bill to vacate a part of the town of Marion, in Shelby county; which was read, and ordered for second reading to-morrow.

Mr. Givens, from the select committee on the subject, now reported a bill appointing commissioners to re-locate the seat of justice of Posey county; which was read, and ordered for second reading to-morrow.

Mr. Graham offered for consideration, the following resolution, to wit:

Resolved, That a committee be appointed to enquire into the expediency of repealing the law entitled an act, for the relief of occupying claimants of land; which was read, and laid on the table.

Mr. Milroy asked, and obtained leave to report a joint resolution of the General Assembly, relative to a certain mail route; which was read twice, and referred to the same committee of the whole Senate, to whom had been committed a former resolution on the same subject.

The engrossed bill from the House of Representatives, to provide for taking the enumeration of the free white male inhabitants above the age of twenty-one years, with the engrossed amendments made in Senate, was now taken up, read a third time; and on the question, shall this bill pass? The ayes and noes being demanded by Messrs. Ewing and Montgomery:

Those who voted in the affirmative were,

MESSRS. Chambers, Graham, Grass, Gregory, Johnson, Milroy, Stapp, Thompson and Ray, pres't—9.

And those who voted in the negative were,

MESSRS. Craig, Ewing, Givens, Gray, Montgomery and Pennington—6.

So it was decided in the affirmative.

Ordered, That Mr. Gregory inform the House of Representatives of the passage of the said bill with amendments—in which the concurrence of the House of Representatives is requested.

The joint resolution of the General Assembly requesting the judges of the supreme and circuit courts, to make annual report to the General Assembly of such defects as they may discover in the statute laws of this state, was taken up, read—when Mr. Pennington moved that the further consideration of the said joint resolution be postponed indefinitely. And on this question, the ayes and noes being demanded by Messrs. Graham and Thompson:

Those who voted in the affirmative were,

MESSRS. Chambers, Ewing, Givens, Grass, Gregory, Johnson, Milroy, Montgomery, Pennington, Rariden, Stapp, and Ray, pres't—12.

And those who voted in the negative were,

MESSRS. Craig, Graham, Gray and Thompson—4.

So it was decided in the affirmative; and the said joint resolution indefinitely postponed.

The bill to amend an act relative to saltpetre caves, was read a second time, and ordered to be engrossed for third reading to-morrow.

On motion by Mr. Milroy,

The Senate now proceeded to re-consider their vote heretofore postponing indefinitely, the bill for the relief of the securities of the sheriff of Floyd county; and the said bill being again taken up, was committed to a committee of the whole Senate, and made the order of the day for to-morrow.

The bill to authorize called sessions of the circuit courts, was read a second time, committed to a committee of the whole Senate, and made the order of the day for to-morrow.

The bill to authorize Jacob Caylor to dig a mill race, and erect a mill-dam on a certain reserved quarter section of land, was read a second time, and ordered to be engrossed and read a third time to-morrow.

The Senate now according to order, resolved itself into committee of the whole Senate, on the bill supplemental to an act declaring certain streams therein named, public highways—Approved, January 26, 1824:

Mr. Grass in the chair;

And after some time spent thereon, the committee rose;

Mr. President resumed the chair, and

Mr. Chairman reported the same without amendment. The said bill was then read a third time, and passed without amendment.

Ordered, That Mr. Chambers inform the House of Representatives thereof.

The engrossed bill from the House of Representatives, to provide for the payment of certain claims allowed by the circuit court of Sullivan county, was read a third time; when Mr. Ewing offered the following amendment, to wit: "provided it shall appear that the contracts under which the damages and claims herein provided for, were perfected before the publication of the act for improving the navigation of the river Wabash—Approved, January 31, 1824." And on the question,

shall this amendment be adopted? The ayes and noes being demanded by Messrs. Ewing and Milroy:

Those who voted in the affirmative were,

MESSRS. Craig, Ewing and Milroy—3.

And those who voted in the negative were,

MESSRS. Givens, Graham, Grass, Gray, Gregory, Johnson, Montgomery, Pennington, Stapp, Thompson and Ray, president—11.

So it was decided in the negative.

Mr. Ewing then moved to amend the said bill, by adding thereto, the following proviso, to wit: "Provided, that no allowance shall be paid under this act for damages accruing by virtue of contracts entered into after the publication or previous to the adoption of an act, entitled an act, for improving the navigation of the river Wabash—Approved, January 31, 1824." And on the question, shall this amendment be adopted? The ayes and noes being demanded by Messrs. Ewing and Thompson:

Those who voted in the affirmative were,

MESSRS. Ewing, Gray and Milroy—3.

And those who voted in the negative were,

MESSRS. Chambers, Givens, Graham, Grass, Gregory, Johnson, Montgomery, Stapp, Thompson and Ray, pres't—10.

So it was decided in the negative; and on the question, shall this bill pass? It was decided in the affirmative.

Ordered, That Mr. Farnham inform the House of Representatives thereof.

And the Senate adjourned to 2 o'clock, P. M.

2 o'clock, P. M.

Senate assembled.

On motion by Mr. Gregory,

The Senate resolved itself into committee of the whole, on the bill supplemental to an act, entitled an act, declaring Blue river a public highway, and for other purposes:

Mr. Thompson in the chair;

And after some time spent thereon, the committee rose;

Mr. President resumed the chair, and

Mr. Chairman reported: That the committee of the whole Senate had, according to order, had the said bill under consideration, had made sundry amendments thereto, and had instructed him to request the concurrence of the Senate therein. And the said amendments being now read at the Secretary's ta-

ble, were concurred in; and the bill with the amendments, ordered to be engrossed, and read a third time to-morrow.

On motion by Mr. Chambers,

The Senate now resolved itself into committee of the whole, on the engrossed bill from the House of Representatives, entitled an act to authorize the agent of the three per cent. fund to pay certain monies therein named:

Mr. Montgomery in the chair;

And after some time spent thereon, the committee rose;

Mr. President resumed the chair, and

Mr. Chairman reported the said bill to the Senate without amendment.

Mr. Ewing then offered the following proviso as an amendment to the said bill, to wit: Provided the sum demanded and paid under this act, shall have been expended within the counties whose portion of the fund is set apart for the improvement of the Wabash; and provided also, that the said sum was expended before the publication of the act of January 31, 1824."

Mr. Stapp then moved to strike out the said proposed amendment from the word "provided," and insert in lieu thereof, the following, to wit: "That the said sum was expended on contracts entered into before the publication of the act of January 31, 1824." And on the question, shall the said proviso be so amended? The ayes and noes being demanded by Messrs. Ewing and Rariden:

Those who voted in the affirmative were,

MESSRS. Chambers, Givens, Graham, Grass, Gray, Gregory, Johnson, Montgomery, Pennington, Stapp, Thompson & Ray, pres't—12.

And those who voted in the negative were,

MESSRS. Craig, Ewing, Milroy and Rariden—4.

So it was decided in the affirmative.

The said proviso thus amended, was then adopted; and the bill as amended, ordered to be engrossed and read a third time to-morrow.

The Senate now according to order, resolved itself into committee of the whole, on the bill from the House of Representatives, entitled an act authorizing the administratrix and administrator of the estate of Thomas Osborn, deceased, to complete a conveyance of certain lands therein described:

Mr. Thompson in the chair;

When, after some time spent thereon, the committee rose;

Mr. President resumed the chair, and

Mr. Chairman reported: That the committee of the whole Senate had, according to order, had the said bill under consi-

deration, had made some progress therein, but not having time to go through the whole bill, had instructed him to report the same, and ask leave to sit again; and leave was granted to the committee of the whole to sit again on said bill, by unanimous consent of the Senate.

On motion by Mr. Rariden,

The committee of the whole Senate were discharged from the further consideration of the engrossed joint resolution from the House of Representatives, disapproving of the amendments proposed by the legislature of Georgia, to the constitution of the United States, relative to the ingress of free people of colour into the several states of the Union; and the same was now read a third time, and passed.

Ordered, That Mr. Stapp inform the House of Representatives therEOF.

The Senate now according to order, resolved itself into committee of the whole, on the joint resolution relative to Major John Allison:

Mr. Montgomery in the chair;

And after some time spent thereon, the committee rose;

Mr. President resumed the chair, and

Mr. Chairman reported: That the committee of the whole Senate had, according to order, had under consideration the said joint resolution, had made some amendments thereto, and had instructed him to request the concurrence of the Senate therein.

The said amendments being then read at the Secretary's table, were concurred in; and the joint resolution as amended, ordered to be engrossed, and read a third time to-morrow.

The Senate now according to order, resolved itself into committee of the whole, on the bill to repeal part of an act for locating certain state roads therein named, &c:

Mr. Grass in the chair;

And after some time spent thereon, the committee rose;

Mr. President resumed the chair, and

Mr. Chairman reported: That the committee of the whole had, according to order, had the said bill under consideration, had made some progress therein, but not having time to go through the whole bill, had instructed him to ask leave to sit again. And on the question, shall the committee of the whole Senate have leave to sit again on the said bill? it was decided in the negative.

The said bill was then referred to a select committee, consisting of Messrs. Gregory, Rariden, Montgomery, Graham and Thompson, to report thereon.

On motion,

The bill to incorporate the town of Charlestown, in Clark county, was ordered to lie on the table.

On motion by Mr. Gray,

The committee of the whole Senate were discharged from the further consideration of the bill to incorporate the Tanner's creek bridge company; and the said bill was ordered to be engrossed, and read a third time to-morrow.

Mr. Thornton from the House of Representatives, informed the Senate, that the House of Representatives had passed a bill from the Senate, entitled "an act, to amend the act, entitled "An act to incorporate the town of Madison, in the county of Jefferson"—Approved, December 22, 1823; and a joint resolution on the subject of the removal of the land-office from Brookville, without amendment—and that the House of Representatives refuse to concur in the amendments made in Senate to the bill to provide for taking the enumeration of the free white male inhabitants above the age of twenty-one years. Also, that the House of Representatives have passed an engrossed bill to attach part of the county of Pike to the county of Gibson; an engrossed bill to establish circuit prosecuting attorneys, and for other purposes; a joint resolution relative to the court-house at Indianapolis; and a joint resolution respecting the gradual emancipation of slaves, and colonization of people of colour within the United States—in which bills and joint resolutions, they request the concurrence of the Senate.

Mr. Thornton from the House of Representatives, informed the Senate, that the House of Representatives had passed an engrossed bill, entitled "an act, to amend the act to regulate descents;" an engrossed bill to amend an act, entitled "an act providing for the settlement of decedents' estates, and for other purposes"—approved, January 26, 1824; an engrossed bill to amend the act, "concerning proceedings in ejectment, distress for rent, and tenants at will holding over;" an engrossed bill "for the relief of certain persons therein named;" an engrossed bill to amend the act "for the assignment of dower;" and an engrossed bill "for the formation of a new county out of the counties of Wabash and Montgomery;" in all of which bills, they request the concurrence of the Senate.

And the Senate adjourned to 9 o'clock to-morrow morning.

FRIDAY, JANUARY 28, 1825.

Senate assembled.

Mr. Pennington laid before the Senate, the petition of David

Stewart and others, praying a law authorizing a certain conveyance of land therein named; which was read—when Mr. Pennington moved that the said petition, with accompanying documents, be referred to a select committee, to report thereon; which reference was refused, on the ground that the law for the settlement of intestates' estates, already provides a sufficient remedy on this subject; and the said documents were withdrawn.

Mr. Pennington laid before the Senate, the petition of John Keller and others, praying a re-location of the seat of justice of Crawford county; which was read, and referred to a select committee, composed of Messrs. Pennington, Thompson, Graham, Montgomery and Grass, to report thereon.

Mr. Ewing from the joint committee on enrolled bills, now made the following report, to wit:

The Speaker of the House of Representatives has signed an act, entitled "an act, for the relief of collectors of the state revenue for the year 1824;" and I am directed by the committee on enrolled bills, to lay the same before the President of the Senate for his signature—and the same having been signed by the president, was returned to the committee on enrolled bills, to be laid before the Governor for his approval and signature.

Mr. Chambers from the select committee on the subject, now made the following report, to wit:

Mr. President,

Your committee to whom was referred the petition of Asa Bales and others, praying a part of the county of Morgan to be attached to the county of Hendricks, and the remonstrance of Joseph Summers and others, against the same, have had the same under consideration; and are of opinion, that it is inexpedient to grant the prayer of the said petitioners; which report was read, and concurred in.

Mr. Rariden asked, and obtained leave to lay before the Senate, a joint resolution relative to binding the books in the secretary of state's office; which was read, and ordered for second reading to-morrow.

Mr. Rariden also, on leave being granted, introduced a bill to amend an act, entitled an act, for assessing and collecting the revenue; which was read, and ordered to lie on the table.

Mr. Gregory offered for consideration, the following resolution, to wit:

Resolved, That a committee be appointed to enquire of the agent at Indianapolis, and learn of him whether the bonds required to be taken by him from those persons that leased the sixteenth section at the Falls of Fall creek, have been taken

agreeably to the provisions of an act, for leasing said section; and the situation of said property so far as has come within his knowledge, with leave to report thereon—and Messrs. Gregory, Johnson, Craig and Chambers, were appointed that committee.

Mr. Ewing then laid before the Senate, the following protest; which was read, to wit:

"The undersigned member of the Senate, having had the misfortune to dissent from a majority of his associates, on many questions relative to legal rights and the public good, which he is bound to believe all wish to keep in view, feels particularly called upon to avail himself of a constitutional privilege, to spread upon the journal of proceedings, a brief statement of his reasons for opposing and thus enter his protest against the passage of two bills from the other House, which were sanctioned on yesterday—one is entitled "an act to provide for the payment of certain claims allowed by the circuit court of Sullivan county;" the other "an act to authorize the agent of the three per cent. fund to pay over certain monies therein named."—He protests against the first mentioned act to satisfy claims in Sullivan county, because an act is now in full force, approved, January 31, 1824, entitled "an act for improving the navigation of the river Wabash;" by the first section of which, so much of the three per cent. fund as was then due, or might become due to the counties of Knox, Sullivan, Vigo, Vermillion and Parke, under certain reservations, which do not embrace, or provide for the claims now legalized to be paid, was solemnly set apart for the improvement of said river; and because no evidence was afforded that the claims in question were in existence and adjudicated upon by the court, at the period the act of January 31, 1824 was published.

He protests against the passage of the other act aforesaid, which authorizes the agent to pay over certain monies therein named, because he apprehends that an improper construction of legislative authority destitute at least of sound political validity, might be predicated upon its sanction—inasmuch as it is in direct hostility to an existing law; and will impair or totally exhaust, the fund now due for the improvement of the Wabash; and public faith seems to be infringed by divesting that river of the legal apportionment, and that too without any documents to shew that any legal claim now exists under contracts made previous to a knowledge of the act for the improvement of the Wabash aforesaid; or for any damages sustained, or labour performed, previous to its publication; or that the amount authorized to be paid was, or will be, expended within the limits of the counties whose portion of the fund was set

apart for that river—inasmuch as the idea of legislative uniformity, actuated by laudable, equitable and patriotic sentiments, which the just and eternal interests of the people require, seems opposed to any infringement of any act permitted to remain on the statute book—and as he believes that the legislative power is bound by its own enactments so long as they exist as a rule of conduct, and can have no original, but strictly a declaratory power in regard to such cases as are embraced by the acts which elicit this protest—and as the diversion of the part of the three per cent. fund appropriated for the Wabash, by the said acts, offers no very righteous contrast to the objects upon which the greater part of that fund has heretofore been obviously wasted, justice to the primary interests of the state, and the sacred interests of the people, seem at this moment to require and demand this expression.

The undersigned in entering this protest against the passage of the acts aforesaid, does not hesitate to give his decided affirmative to the proposition in its fullest latitude, that a majority of the people's representatives can alter or abolish, any laws existing, (not affecting vested rights) whenever they think proper; but he believes it a maxim of political wisdom, equally sanctioned by the constitution and verified by reason, and by experience, that constitutional laws vesting certain privileges and immunities, should while they exist, be contemplated with reverence, approached with prudent caution, and altered or touched with trembling timidity—and that any infringement upon the enactments of such laws, calculated to impair the immunities they may authorize and set apart, without a palpable necessity to challenge the assent of every unprejudiced intelligent mind, should be distrusted and repelled.

JOHN EWING,
of Knox, Daviess and Martin.

The following engrossed bills from the House of Representatives, to wit: an engrossed bill to amend an act, entitled "an act, providing for the settlement of decedents' estates, and for other purposes"—approved, January 26, 1824; an engrossed bill to amend the act "to regulate descents;" an engrossed bill to amend the act "concerning proceedings in ejectment, distress for rent, and tenants at will holding over;" an engrossed bill to amend the act "for the assignment of dower;" an engrossed bill for the relief of certain persons therein named;" and an engrossed bill "for the formation of a new county out of the counties of Wabash and Montgomery," were severally read a first time, and severally ordered for second reading to-morrow.

The joint resolution relative to the court-house at Indiana-

polis, was taken up, read twice, committed to a committee of the whole Senate, and made the order of this day now.

Whereupon,

The Senate now resolved itself into committee of the whole on the said joint resolution:

Mr. Johnson in the chair;

And after some time spent thereon, the committee rose;

Mr. President resumed the chair, and

Mr. Chairman reported: That the committee of the whole Senate had, according to order, had the said joint resolution under consideration, had amended the same by striking it out from the enacting clause, and had instructed him to report the same to the Senate, and request their concurrence therein.—And on the question, will the Senate concur in the amendment made in committee of the whole to this resolution? The ayes and noes being demanded by Messrs. Pennington and Stapp:

Those who voted in the affirmative were,

MESSRS. Chambers, Givens, Graham, Gray, Gregory, Johnson, Milroy, Rariden, Stapp and Ray, pres't—10.

And those who voted in the negative were,

MESSRS. Grass, Montgomery, Pennington and Thompson—4.

So it was decided in the affirmative.

Ordered, That the said joint resolution be committed to a select committee, composed of Messrs. Pennington, Graham and Thompson, to report thereon.

The engrossed joint resolution from the House of Representatives, "respecting the gradual emancipation of slaves, and the colonization of people of colour within the United States;" the engrossed bill from the House of Representatives, "to establish circuit prosecuting attorneys, and for other purposes;" and the engrossed bill from the House of Representatives, "to attach part of the county of Pike to the county of Gibson, were severally read a first time, and severally ordered for second reading to-morrow.

On motion,

Ordered, That the Senate insist on their amendments made to the engrossed bill from the House of Representatives, to provide for taking the enumeration of the free white male inhabitants above the age of twenty-one years; and that Mr. Pennington inform the House of Representatives thereof.

Mr. Thompson, on leave being granted, introduced a bill to repeal the act, entitled "an act relative to fugitives from labour"—approved, January 22, 1824, and for other purposes; which was read, when Mr. Stapp moved that the said bill be

rejected. And on the question, shall this bill be rejected? It was decided in the affirmative.

And the Senate adjourned to two o'clock, P. M.

2 o'clock, P. M.

Senate assembled.

The engrossed bill to authorize Jacob Caylor to dig a mill race through a reserved quarter section, and erect a dam on part thereof, was read a third time; and on the question, shall this bill pass? The ayes and noes being demanded by Messrs. Ewing and another:

Those who voted in the affirmative were,

MESSRS. Chambers, Craig, Givens, Grass, Gregory, Johnson, Milroy, Montgomery, Rariden, Slapp & Ray, pres't—11.

And those who voted in the negative were,

MESSRS. Ewing, Graham, Gray, Pennington and Thompson—5.

So it was decided in the affirmative.

Ordered, That Mr. Rariden inform the House of Representatives thereof, and request their concurrence therein.

Mr. Ray, private secretary to the Governor, now informed the Senate, that his Excellency did on this day, approve and sign, an act allowing further compensation for building a bridge over the river Muscatituck, and a joint resolution of the General Assembly in reference to Major General Lafayette; both of which originated in the Senate.

The engrossed bill to repeal part of the act, entitled an act concerning saltpetre caves, and for other purposes, was considered, read a third time, and laid on the table.

The engrossed bill to incorporate the Tanner's creek bridge company, was taken up, when Mr. Ewing offered an amendment, the substance of which, was to make the stockholders liable in their individual and corporate capacity, for all contracts entered into by the corporation; which was adopted by common consent; and the said bill as amended, read a third time, and passed.

Ordered, That Mr. Gray inform the House of Representatives thereof, and request their concurrence therein.

The engrossed bill supplemental to an act, entitled "an act, declaring Blue river a public highway, and for other purposes," was read a third time, and passed.

Ordered, That Mr. Gregory inform the House of Representatives thereof, and request their concurrence therein.

Mr. Thornton from the House of Representatives, informed the Senate, that the House of Representatives insist on their

disagreement to the amendments made in Senate to the bill to provide for taking the enumeration of the free white male inhabitants above the age of twenty-one years—also, that the House of Representatives have passed a bill extending the jurisdiction of justices of the peace, and for other purposes; and an engrossed bill to amend the act, entitled “An act regulating the taking up of animals going astray, and water craft and other articles of value adrift”—approved, January 7, 1824; in which last mentioned bills they request the concurrence of the Senate—And the two said last mentioned bills, were severally read a first time, and ordered for second reading to-morrow.

Mr. Stapp then offered for consideration, the following resolution, to wit:

Resolved, That a committee of free conference be appointed on the part of the Senate, to act with a similar committee to be appointed on the part of the House of Representatives, to take under their consideration, the matter of difference between the two Houses, relative to the amendment made by the Senate, to a bill from the House of Representatives, to provide for the taking of the enumeration of the free white male inhabitants above the age of twenty-one years; which was read and adopted; and Messrs. Stapp and Thompson were appointed that committee on the part of the Senate—and Mr. Farnham directed to inform the House of Representatives thereof.

The Senate now according to order, resolved itself into committee of the whole, on the bill authorizing the administrator and administratrix of the estate of Thomas Osborn, deceased, to complete a conveyance for certain lands therein named:

Mr. Ewing in the chair;

And after some time spent thereon, the committee rose;

Mr. President resumed the chair, and

Mr. Chairman reported the said bill with an amendment—which was read and adopted. The said bill as amended, was then read a third time. And on the question, shall this bill pass? The ayes and noes being demanded by Mr. Rariden and another:

Those who voted in the affirmative were,

MESSRS. Chambers, Craig, Givens, Graham, Grass, Johnson, Milroy, Pennington and Ray, pres’t—9.

And those who voted in the negative were,

MESSRS. Gray, Gregory, Montgomery, Rariden, Stapp and Thompson—6.

So it was decided in the affirmative.

Ordered, That Mr. Farnham inform the House of Representatives of the passage of the said bill with an amendment; in which the concurrence of the House of Representatives is requested.

The engrossed bill to authorize the agent of the three per cent. fund to pay over certain monies therein named, was read a third time—And on the question, shall this bill pass? The ayes and noes being demanded by Mr. Ewing and another:

Those who voted in the affirmative were,

MESSRS. Chambers, Givens, Graham, Grass, Gray, Gregory, Johnson, Montgomery, Pennington, Stapp, Thompson & Ray; pres't—12.

And those who voted in the negative were,

MESSRS. Craig, Ewing, Milroy and Rariden—4.

So it was decided in the affirmative.

Ordered, That Mr. Chambers inform the House of Representatives of the passage of said bill with an amendment; in which the concurrence of the House of Representatives is requested.

The Senate according to order, resolved itself into committee of the whole, on the bill for the relief of the securities of the late sheriff of Floyd county:

Mr. Milroy in the chair;

And after some time spent thereon, the committee rose;

Mr. President resumed the chair, and

Mr. Chairman reported the said bill without amendment. The bill was then read a third time, and passed.

Ordered, That Mr. Thompson inform the House of Representatives thereof.

The Senate now went into committee of the whole, on the bill making appropriations for locating a road from Indianapolis to Fort Wayne:

Mr. Chambers in the chair;

And after some time spent thereon, the committee rose;

Mr. President resumed the chair, and

Mr. Chairman reported the said bill with sundry amendments; which were read and concurred in. When the following amendment was offered and adopted, to wit: "Provided, That the said sum of five hundred dollars hereby appropriated, shall not lessen, decrease, or in any manner whatever, affect the sum of one hundred thousand dollars of the three per cent. fund heretofore appropriated, further than to postpone five hundred dollars thereof to a later period; and provided also, That the sum to be expended and hereby appropriated to

effect this object, shall hereafter be deducted from such part of the three per cent. fund, as may hereafter be allowed to the counties through which this road may pass, for the use and benefit of the fund from which it is now taken." The said bill with its amendments, was then ordered to be engrossed, and read a third time to-morrow.

And the Senate adjourned to 9 o'clock to-morrow morning.

SATURDAY, JANUARY 29, 1825.

Senate assembled.

Mr. Givens from the select committee on the subject, now reported a bill for the relief of Elizabeth Myers; which was read, and ordered to a second reading on Monday next.

Mr. Ewing offered for consideration the following resolution, to wit:

Resolved, That the Senate will hereafter dispense with the usual adjournment for dinner, and hold only one session on each succeeding day; and the said resolution was read, and ordered to lie on the table.

On motion by Mr. Graham,

The resolution heretofore read and laid on the table, relative to the expediency of repealing the occupying claimant law; was now again taken up, read, and considered—And on the question, shall this resolution be adopted? it was decided in the negative.

Mr. Milroy, offered for consideration and adoption, the following resolution, to wit:

Resolved, That a select committee be appointed with instructions to inquire into the expediency of so amending the laws of this state on the subject of fugitives from labour, as that in the trial of such causes, the facts shall be enquired into by a jury as in other cases, in which personal liberty and writs are involved; and also repealing so much of any law as may authorize the issuing of general warrants in such cases; with leave to report by bill or otherwise—which resolution was read, and on the question, shall this resolution be adopted? It was decided in the negative.

On motion by Mr. Stapp,

The bill to amend the act to regulate judicial circuits, and fixing the times of holding courts therein, was now taken up; and

Thereupon,

The Senate resolved itself into committee of the whole on the said bill.

Mr. Stapp in the chair;

And after some time spent thereon, the committee rose;

Mr. President resumed the chair, and

Mr. Chairman reported the bill with sundry amendments, all of which were read and concurred in, when Mr. Ewing offered the following amendment to said bill, to wit: "That so much of all laws or parts of laws coming within the purview of this act, shall be and the same is hereby repealed."

When Mr. Stapp, offered the following to the amendment proposed by Mr. Ewing, to wit: "That so much of all laws as exempts grand jurors from working on roads, and performing military duty be, and the same are hereby repealed;" which amendment of Mr. Stapp, was accepted, and the amendment as amended, was adopted.

Mr. Gray then moved that the said bill be recommitted to a select committee, with instructions so to amend the same as to allow to the third judicial circuit three terms in each county, in each year; and on the question, shall this bill be re-committed? It was decided in the negative; and the said bill as amended, ordered to be engrossed, and read a third time on Monday next.

On motion by Mr. Graham,

The committee of the whole Senate was discharged from the further consideration of the engrossed bill from the House of Representatives, to repeal the third section of the special act, "authorizing the review of a certain state road therein named," approved, January 31, 1824, and for other purposes—and the said bill was read a third time, and passed without amendment.

Ordered, That Mr. Farnham inform the House of Representatives thereof.

Mr. Gregory obtained leave of absence until Monday next.

The engrossed bill making an appropriation to open a road from Indianapolis to Fort Wayne, was ordered to lie on the table.

The engrossed bill from the House of Representatives, for the formation of a new county out of the counties of Wabash and Montgomery, was read a second time, and the further consideration thereof postponed until the first Monday in December next.

The engrossed bill from the House of Representatives, for the relief of certain persons therein named, was read a second time—the rule requiring bills to be read on three several days, dispensed with, and the said bill read a third time, and passed.

Ordered, That Mr. Johnson inform the House of Representatives thereof.

The joint resolution relative to the books in the office of the secretary of state; the engrossed bill from the House of Representatives, to amend the act "for the assignment of dower;" the engrossed bill from the House of Representatives, to amend the act "concerning proceedings in ejectment, distress for rent, and tenants at will holding over;" and the engrossed bill from the House of Representatives, to amend the act, "to regulate descents," were severally read a second time, severally committed to a committee of the whole Senate, and made the several orders of the day for Monday next.

The engrossed bill from the House of Representatives, to amend the act "providing for the settlement of decedents' estates, and for other purposes," approved, 26th of January 1824, was read a second time, and the further consideration thereof indefinitely postponed.

The joint resolution from the House of Representatives, respecting the gradual emancipation of slaves, and colonization of people of colour within the United States, was read a second time, and ordered to lie on the table.

The engrossed bill from the House of Representatives, to attach a part of the county of Pike to the county of Gibson, was read a second time—the rule requiring bills to be read on three several days, dispensed with, and the said bill read a third time, and passed without amendment.

Ordered, That Mr. Montgomery inform the House of Representatives thereof.

The engrossed bill from the House of Representatives, to establish circuit prosecuting attorneys, and for other purposes, was read a second time, and ordered for third reading on Monday next. And

The Senate adjourned to 2 o'clock, P. M.

2 o'clock, P. M.

Senate assembled.

The engrossed bill from the House of Representatives, to amend the act, entitled "An act regulating the taking up of animals going astray, and water crafts and other articles of value adrift," approved, 7th January 1824, was read a second time, committed to a committee of the whole Senate, and made the order of the day for Monday next.

Mr. Thornton from the House of Representatives, now informed the Senate, that the House of Representatives concur in the amendment made by the Senate to the bill from the House of Representatives, authorizing the administrator and

administratrix of the estate of Thomas Osborn, deceased, to complete a conveyance of certain lands therein named; they refuse to concur in the amendment proposed by the Senate to the bill from the House of Representatives, to authorize the agent of the three per cent. fund to pay over certain moneys therein named; and they have passed bills with the following titles, to wit: An engrossed bill to repeal the second section of an act "authorizing the location of a certain state road therein named;" an engrossed bill "providing for a change of venue in a certain case therein named," and an engrossed bill for the relief of the heirs of Andrew Fulton, deceased; in which three last mentioned bills they request the concurrence of the Senate. And also, that they have adopted the following resolution, to wit:

Resolved, That a committee of free conference be appointed on the part of this House, to act with a similar committee which has been appointed on the part of the Senate, to take into consideration, the subject matter of difference between the two Houses, relative to the amendments made by the Senate to the bill "to provide for taking the enumeration of the free white male inhabitants above the age of twenty-one years;" and that they have appointed Messrs. Maxwell and Noble a committee on their part.

The engrossed bill from the House of Representatives, providing for a change of venue in a certain case therein named, and the engrossed bill from the House of Representatives, to repeal the second section of an act "authorizing the location of a certain state road therein named," were severally read a first and second time, and severally committed to committees of the whole Senate, and made the order of the day for Monday next.

The engrossed bill from the House of Representatives, for the relief of the heirs of Andrew Fulton, deceased, was read a first time, and rejected.

On motion by Mr. Ewing,

Ordered, That the Senate insist on their amendment made to the bill to authorize the agent of the three per cent. fund to pay over certain moneys therein named; and Mr. Ewing inform the House of Representatives thereof.

The engrossed bill from the House of Representatives, extending the jurisdiction of justices of the peace, and for other purposes, was read a second time, committed to a committee of the whole Senate, and made the order of the day for Monday next.

On motion,

The several committees of the whole Senate, on the bill de-

fining the boundaries of Washington and Clark counties, and the bill attaching part of the county of Warrick to the county of Spencer, were severally discharged; and the said several bills ordered to be engrossed for third reading on Monday next.

The Senate now according to order, resolved itself into committee of the whole, on the bill for the relief of the securities of William H. Moore, collector of the county of Clark:

Mr. Rariden in the chair;

When, after some time spent thereon, the committee rose;

Mr. President resumed the chair, and

Mr. Chairman reported the same with sundry amendments; which were read and concurred in.

Mr. Ewing then moved further to amend the said bill, by striking out the first section from the enacting clause. And on the question, shall the said bill be so amended? It was decided in the negative; and the said bill ordered to be engrossed, and read a third time on Monday next.

The bill for the benefit of Charles Crabb, was read a second time, and ordered to be engrossed for third reading on Monday next.

The bill appointing commissioners to re-locate the seat of justice of Posey county, and the bill fixing the time of meeting of the General Assembly, were severally read a second time, severally committed to committees of the whole Senate, and made the several orders of the day for Monday next.

The bill to vacate a part of the town of Marion, in Shelby county, was ordered to lie on the table.

The Senate now according to order, resolved itself into committee of the whole, on the bill to authorize called sessions of the circuit court:

Mr. Milroy in the chair;

And after some time spent thereon, the committee rose;

Mr. President resumed the chair. and

Mr Chairman reported the said bill to the Senate with sundry amendments; which were read, and concurred in—and the said bill as amended, ordered to be engrossed, and read a third time on Monday next.

On motion,

The committee of the whole was discharged from the further consideration of the joint resolution on the subject of a mail route from Charlestown, in Clark county, to Newcastle, in Henry county; and the same was referred to a select committee, composed of Messrs. Milroy, Gray, Montgomery and Thompson, to report thereon.

On motion,

The resolution offered some days since by Mr. Pennington,

and which was ordered to lie on the table, relative to the adjournment of both Houses, was now taken up, when Mr. Milroy offered the following as a substitute, which was accepted, to wit:

Resolved, The House of Representatives concurring, that the Senate will adjourn, sine die, on Saturday the fifth of February next; and that the House of Representatives be informed of the adoption of this resolution, and a similar one on their part requested. And the same being read, Mr. Thompson moved to amend the resolution, by inserting between the word "next," and the word "and," the words "if they are ready"—And on the question, shall this resolution be so amended? The ayes and noes being demanded by Mr. Pennington and another:

Those who voted in the affirmative were,

MESSRS. Givens, Graham, Grass, Gray, Johnson, Montgomery, Stapp and Thompson—8.

And those who voted in the negative were,

MESSRS. Craig, Ewing, Milroy, Pennington, Rariden and Ray, pres't—6.

So it was decided in the affirmative.

Mr. Ewing then offered the following amendment to the said resolution, to come in after the word "ready," to wit: "and that readiness shall not be made to depend on inclination, but public duty;" but before the question was taken on this amendment, a motion was made to adjourn; which was carried in the affirmative.

And the Senate adjourned to 9 o'clock on Monday morning next.

MONDAY, JANUARY 31, 1825.

Senate assembled:

Mr. Gray from the committee on roads and canals, to whom the subject had been referred, now reported a bill "providing for an alteration in the state road leading from Lawrenceburgh to Indianapolis;" which was read a first time, and ordered for second reading to-morrow.

Mr. Pennington from the select committee to whom had been referred, the joint resolution "relative to the court-house at Indianapolis, now reported the same with an amendment; which

was read and concurred in—and the amendment ordered to be engrossed, and with the resolution, read a third time to-morrow.

Mr. Pennington from the select committee to whom the subject had been referred, now reported a bill to re-locate the seat of justice of Crawford county; which was read a first and second time, committed to a committee of the whole Senate, and made the order of the day for to-morrow.

Mr. Thompson, on leave being granted, introduced a bill relative to fugitives from labour; which was read a first time—when Mr. Ewing moved to reject the said bill—And on the question, shall this bill be rejected? The ayes and noes being demanded by Mr. Thompson and another:

Those who voted in the affirmative were,

MESSRS. Ewing, Gray, Johnson, Montgomery, Rariden and Stapp—6.

And those who voted in the negative were,

MESSRS. Chambers, Craig, Givens, Graham, Grass, Gregory, Milroy, Pennington, Thompson and Ray, pres't—10.

So it was decided in the negative; and the said bill was read a second time now, committed to a committee of the whole Senate, and made the order of the day for to-morrow.

Mr. Rariden asked, and obtained leave to introduce a bill relative to bidders and purchasers at sheriffs' sales; which was read, and ordered for second reading to-morrow.

The following message was received from the Governor, in writing, by Mr. James M. Ray, his private secretary, to wit:

Gentlemen of the Senate,

In reply to a communication heretofore made to the Governor of Illinois, relative to the navigation of the Wabash, I have received, and herewith communicate, a copy of an act of the legislature of that state, entitled "An act to incorporate the Wabash Navigation Company."

WILLIAM HENDRICKS.

Indianapolis, January 31, 1825.

The said message was read, and referred to the select committee for the improvement of the Wabash river; as was also the act accompanying the same.

Mr. Thompson from the judiciary committee, to whom the subject had been referred, now reported, that it is inexpedient at this time, to legislate on the petition of W. Tilford and James Reed; which report was concurred in.

On motion,

The bill legalizing the proceedings of the courts doing county business in the counties of Marion, Hamilton and Allen, was taken up, committed to a committee of the whole Senate; of which committee Mr. Chambers was appointed chairman:

And after some time spent thereon, the committee rose;

Mr. President resumed the chair, and

Mr. Chairman reported the bill to the Senate with an amendment; which was read, and concurred in, and the amendment was ordered to be engrossed, and with the bill, to be read a third time this afternoon.

The engrossed bill to amend the act, entitled "An act to regulate the judicial circuits, and fixing the times of holding courts therein, was read a third time, and passed.

Ordered, That Mr. Thompson inform the House of Representatives thereof, and request their concurrence therein.

The engrossed bill for the benefit of Charles Crabb, and the engrossed bill defining the boundary line, between the counties of Washington and Clark, were severally read a third time, and passed.

Ordered, That Mr. Milroy inform the House of Representatives of the passage of said bills, and request their concurrence therein.

The engrossed bill authorizing part of the county of Warrick, to be attached to the county of Spencer, was read a third time, and passed.

Ordered, That Mr. Grass inform the House of Representatives thereof, and request their concurrence therein.

The engrossed bill authorizing called sessions of the circuit courts, was read a third time, and passed.

Ordered, That Mr. Rariden inform the House of Representatives thereof, and request their concurrence therein.

The engrossed bill for the relief of the securities of William H. Moore, collector of the revenue of the county of Clark, was read a third time. And on the question, shall this bill pass? The ayes and noes being demanded by Mr. Graham and another:

Those who voted in the affirmative were,

MESSRS. Chambers, Craig, Givens, Graham, Grass, Gray, Gregory, Johnson, Milroy, Montgomery, Pennington and Ray, pres't—12.

And those who voted in the negative were,

MESSRS. Ewing, Rariden and Stapp—3.

So it was decided in the affirmative.

Ordered, That Mr. Farnham inform the House of Representatives thereof, and request their concurrence therein.

The engrossed bill from the House of Representatives to establish circuit prosecuting attorneys, and for other purposes, was postponed until afternoon.

And the Senate adjourned to 2 o'clock, P. M.

2 o'clock, P. M.

Senate assembled.

The bill to establish circuit prosecuting attorneys, and for other purposes, was ordered to lie on the table.

The engrossed bill for the relief of Elizabeth Myers, was taken up, read a second time; and

On motion,

The further consideration thereof postponed indefinitely.

The Senate now according to order, resolved itself into committee of the whole, on the bill fixing the time of the meeting of the General Assembly:

Mr. Ewing in the chair;

And after some time spent thereon, the committee rose;

Mr. President resumed the chair, and

Mr. Chairman reported the said bill to the Senate with amendments; which were read and concurred in—and the further consideration of the said bill was indefinitely postponed.

The Senate according to order, now resolved itself into committee of the whole, on the bill appointing commissioners to re-locate the seat of justice of Posey county:

Mr. Thompson in the chair;

And after some time spent thereon, the committee rose;

Mr. President resumed the chair, and

Mr. Chairman reported the same without amendment.

Mr. Ewing then offered the following amendment to the said bill, to wit: "The board of justices of said county shall, before the removal of the said seat of justice from Springfield, proceed to list and value all the lots and parts of lots, and improvements thereon, within the said town; which said list and valuation, shall be deposited with the clerk of the circuit court, and be held by him, subject to the inspection and for the benefit of all parties interested—and the said owner, or owners, or their legal representatives, shall be paid the full amount of the valuation of his lot and improvements thereon, in specie, before the said seat of justice be removed; and his, her or their receipt for the amount of said valuation, shall be deemed and taken as a legal relinquishment under this act, of their title to the lot or lots so owned and paid for." And on the question, shall the said amendment be adopted? The ayes and noes being demanded by Mr. Ewing and another:

Those who voted in the affirmative were,

MESSRS. Ewing, Rariden and Ray, pres't—3.

And those who voted in the negative were,

MESSRS. Chambers, Craig, Givens, Graham, Grass, Gray, Gregory, Johnson, Milroy, Montgomery, Pennington, Stapp and Thompson—13.

So the said amendment was rejected.

The said bill was then ordered to be engrossed for third reading to-morrow.

Mr. Thornton from the House of Representatives, informed the Senate, that the House of Representatives insist on their disagreement to the amendment proposed by the Senate, to the bill from the House of Representatives, to authorize the agent of the three per cent. fund to pay over certain moneys therein named. They have passed the joint resolution from the Senate, relative to the agent of the three per cent. fund, without amendment; and that they have passed the following engrossed bills, to wit: An engrossed bill respecting state roads; an engrossed bill to provide for the appointment of a separate commissioner for that part of the state road from Mauk's ferry to Indianapolis, which lies between the town of Franklin and Indianapolis; an engrossed bill amending "An act regulating the fees of the several officers and persons therein named," approved, January 30, 1824; and an engrossed bill amending "An act establishing a county treasurer," approved, January 31, 1824; in which they request the concurrence of the Senate—And the said four last mentioned engrossed bills from the House of Representatives, were severally read a first time, and severally ordered for second reading to-morrow.

On motion,

The committee of the whole Senate, was discharged from the further consideration of the engrossed bill from the House of Representatives, to repeal the second section of "An act authorizing the location of a certain state road therein named."

And on motion,

The further consideration of the said bill was indefinitely postponed.

The bill to authorize the agent of the three per cent. fund, to pay over certain moneys therein named, was taken under consideration; when Mr. Chambers moved, that the Senate recede from their amendment to the said bill. And on the question, will the Senate recede from their amendment to this bill? It was decided in the negative. And

On motion,

Messrs. Ewing and Rariden were appointed a committee of free conference, to confer with a similar committee to be appointed on the part of the House of Representatives, on the subject matter of disagreement between the two Houses, relative to the said bill; and Mr. Farnham was ordered to carry that information to the House of Representatives.

The orders of the day were then postponed until to-morrow; when Mr. Graham offered the following resolution, to wit:

Resolved, That the secretary of the Senate be instructed to deliver to the secretary of state, certain vouchers for fifty-six thousand six hundred and sixty-four dollars, twenty-eight and five-sixth cents; they being for money paid by Christopher Harrison, agent for the three per cent. fund, to the road commissioners; which vouchers have been examined by the present General Assembly, and a quietus given to said agent therefor.

And the Senate adjourned to 9 o'clock to-morrow morning.

TUESDAY, FEBRUARY 1, 1825.

Senate assembled.

Mr. Gregory laid before the Senate, the petition of Austin Davenport and others, praying that a part of the county of Hendricks may be attached to, and form a part of the county of Marion; which was read, and referred to a select committee, composed of Messrs. Gregory, Craig and Johnson, to report thereon.

Mr. Gregory also laid before the Senate, the petition of Nathaniel Richmond and others, relative to a certain school section in Madison county; which was read, and referred to the same committee heretofore appointed to call on the agent for information relative to said section of land.

Mr. Milroy laid before the Senate, the remonstrance of Allan D. Thom and others, against the removal of the seat of justice of Crawford county; which was read, and referred to the same committee of the whole Senate, to whom the bill on that subject has been committed.

Mr. Gregory laid before the Senate, the remonstrance of sundry citizens of Shelby and Marion counties, against any alteration in the state road leading from Indianapolis to Lawrenceburgh; which was read, and referred to the same committee of the whole, to whom the petition and bill on that subject had been committed.

The joint resolution relative to the court-house at Indianapolis, was read a third time and rejected.

Mr. Rariden from the joint committee on enrolled bills, now

reported: That they had compared the engrossed joint resolution of the General Assembly, relative to the removal of the land-office from Brookville to Indianapolis; the joint resolution relative to the agent of the three per cent. fund, with the enrolled joint resolutions—and find the same truly enrolled.

The engrossed bill legalizing the proceedings of the courts doing county business, in the counties of Marion, Hamilton and Allen, as amended in Senate, was read a third time, and passed.

Ordered, That Mr. Farnham inform the House of Representatives thereof, and request their concurrence in said amendment.

The engrossed bill appointing commissioners to re-locate the seat of justice of Posey county, was read a third time. And on the question, shall this bill pass? The ayes and noes being demanded by Mr. Ewing and Mr. Milroy:

Those who voted in the affirmative were,

MESSRS. Chambers, Craig, Givens, Grass, Gray, Gregory, Johnson, Montgomery, Pennington and Thompson—10.

And those who voted in the negative were,

MESSRS. Ewing, Milroy, Rariden, Stapp and Ray, pres't—5.
So it was decided in the affirmative.

Ordered, That Mr. Farnham inform the House of Representatives thereof, and request their concurrence therein.

Mr. Ewing offered for consideration and adoption, the following preamble and resolution, to wit:

WHEREAS, The agricultural and commercial interests of this state, have not derived that degree of benefit from the expenditure of so much of the three per cent. fund upon roads, as was no doubt expected; and a large proportion of said expenditure has been for commissioners, and other matters provided for by law—and many practicable plans for the advancement of the great interests aforesaid, are no doubt delayed or impeded in their progress by legislation relative to the present road system.

Resolved, That a committee be appointed to draft a bill declaring the station of road commissioner an office, and rendering the holder of such station ineligible, after the present session, to hold a seat in either branch of the legislature.

And on the question, shall this resolution be adopted? The ayes and noes being demanded by Mr. Ewing and another:

Those who voted in the affirmative were,

MESSRS. Craig, Ewing, Milroy and Rariden—4.

And those who voted in the negative were,

MESSRS. Chambers, Givens, Graham, Grass, Gray, Gregory, Johnson, Montgomery, Pennington, Stapp, Thompson & Ray, pres't—12.

So the said resolution was rejected.

Mr. Stapp from the committee of free conference, now made the following report, to wit:

The committee of free conference appointed to confer together, on the subject matter of difference between the two Houses, relative to the amendment made by the Senate to the engrossed bill from the House of Representatives, to provide for taking the enumeration of the free white male inhabitants above the age of twenty-one years, have performed that duty, and have directed me to report to the Senate, that they have agreed that the Senate shall recede from their amendment made to said bill; and that the said bill as passed by the House of Representatives shall be so modified and amended in the first section thereof, as to insert after the word "persons," in the seventh line of said section, the words "and persons exempt from a poll tax, who are not certified to the auditor of public accounts;" and that the third section shall be so modified and amended, as to strike out the word "and" in the eighth line thereof, and insert at the end of said section, the words "and persons exempt from a poll tax who are not certified to the auditor of public accounts;" and that the fifth section be so modified and amended as to insert after the word "accounts," in the sixth line thereof, the words "and by the auditor of public accounts in his report to the secretary of state; and by the secretary of state, in his report to both Houses of the General Assembly." And the said report was read and concurred in.

Ordered, That Mr. Farnham inform the House of Representatives thereof.

The Senate now, on motion, resolved itself into committee of the whole, on the bill to establish prosecuting attorneys, and for other purposes:

Mr. Montgomery in the chair;

When after some time spent thereon, the committee rose;

Mr. President resumed the chair, and

Mr. Chairman reported the same to the Senate with sundry amendments; which were read and concurred in.

Mr. Rariden then moved to amend the said bill by an addition of fifty dollars to the salary of the prosecuting attorneys; which amendment was rejected.

Mr. Ewing then moved to amend the said bill, by adding thereto, the following section, to wit:

SEC. That so much of all laws and parts of laws, as autho-

size the auditor to employ any other than the circuit prosecuting attorney of the proper circuit, to prosecute public delinquents, or authorize any additional compensation out of the state treasury for attending to such matters, in any court of this state, than that allowed to prosecutors by this act, are hereby repealed: And it is hereby made the duty of the auditor to employ the circuit prosecutor in all such cases; and the percentage allowed to other collecting attorneys by law in all cases of public money, sued for and collected by the circuit prosecutor as aforesaid, shall hereafter be taxed and collected as other costs, and paid over for the use and benefit of the county seminary of the proper county, as certain fines now are appropriated to that purpose.

And on the question, shall this amendment be adopted? The ayes and noes being demanded by Messrs. Ewing and Pennington:

Those who voted in the affirmative were,

MESSRS. Ewing, Givens, Grass, Gregory, Johnson, Montgomery, Pennington and Thompson—8.

And those who voted in the negative were,

MESSRS. Chambers, Craig, Graham, Gray, Milroy, Rariden, Stapp and Ray, pres't—8.

The Senate being equally divided, the said amendment was not adopted.

Mr. Montgomery then offered the following as an amendment to said bill, to wit: "That the Governor nominate, and with the advice and consent of the Senate, appoint and commission all prosecuting attorneys within this state." And on the question, shall this amendment be adopted? The ayes and noes being demanded by Mr. Montgomery and another:

Those who voted in the affirmative were,

MESSRS. Craig, Ewing, Graham, Grass, Gray, Montgomery and Pennington—7.

And those who voted in the negative were,

MESSRS. Chambers, Givens, Gregory, Johnson, Milroy, Rariden, Stapp, Thompson and Ray, pres't—9.

So it was decided in the negative; and

On motion by Mr. Ewing,

The further consideration of the said bill was postponed indefinitely.

The bill relative to bidders and purchasers at sheriffs' sale, was read a second time, committed to a committee of the whole Senate, and made the order of the day for to-morrow.

The engrossed bill making an appropriation for opening a road from Indianapolis to Fort Wayne, was taken up, read a third time—And on the question, shall this bill pass? The ayes and noes being demanded by Messrs. Ewing and Pennington:

Those who voted in the affirmative were,

MESSRS. Chambers, Craig, Givens, Graham, Grass, Gray, Gregory, Johnson, Milroy, Montgomery, Rariden, Stapp, Thompson and Ray, pres't—14.

And those who voted in the negative were,

MESSRS. Ewing and Pennington—2.

So it was decided in the affirmative.

Ordered, That Mr. Rariden inform the House of Representatives thereof, and request their concurrence therein.

The Senate, on motion by Mr. Thompson, now resolved itself into committee of the whole, on the bill to "authorize a change of venue in a certain case:"

Mr. Gregory in the chair;

And after some time spent thereon, the committee rose;

Mr. President resumed the chair, and

Mr. Chairman reported progress made in the said bill, and asked leave for the committee to sit again; which was refused. And the said bill was re-committed to a select committee, consisting of Messrs. Thompson, Givens and Grass, to report thereon. And

The Senate adjourned to 2 o'clock, P. M.

2 o'clock, P. M.

Senate assembled.

The bill providing for an alteration of the state road leading from Lawrenceburgh to Indianapolis, was read a second time, committed to a committee of the whole Senate, and made the order of the day for to-morrow.

The engrossed bill from the House of Representatives, respecting state roads, was read a second time, committed to a committee of the whole Senate, and made the order of the day for to-morrow.

The bill to amend "An act establishing the fees of the several officers and persons therein named," approved, January 30, 1824, was read a second time, and ordered for third reading to-morrow.

The engrossed bill to provide for the appointment of a separate commissioner for that part of the state road from Mauk's ferry to Indianapolis, which lies between the town of Franklin and Indianapolis, was read a second time, amended in the first section, by striking out the words "John Smock," and inserting

in lieu thereof, the words "William Sanders," and by striking out the words "seventy-five cents" in the last section; thereby fixing the compensation of the commissioner at one dollar per day. And so amended, the said bill was read a third time and passed.

Ordered, That Mr. Gregory inform the House of Representatives thereof, and request their concurrence in said amendments.

The Senate now resolved itself into committee of the whole, on the bill providing for a change of venue in a certain case therein named:

Mr. Rariden in the chair;

And after some time spent thereon, the committee rose;

Mr. President resumed the chair, and

Mr. Chairman reported progress in the said bill, and asked leave to sit again; which was refused—and the said bill was committed to a select committee, composed of Messrs. Thompson, Graham and Grass, to report thereon.

The engrossed bill to amend "An act establishing a county treasurer," approved, January 31, 1824, was read a second time, when a motion was made, that the further consideration thereof be indefinitely postponed—And on the question, shall the further consideration of this bill be postponed indefinitely? The ayes and noes being demanded by Mr. Pennington and another:

Those who voted in the affirmative were,

MESSRS. Gray, Gregory, Milroy, Montgomery, Rariden, Stapp and Thompson—7.

And those who voted in the negative were,

MESSRS. Chambers, Craig, Givens, Graham, Grass, Johnson, Pennington and Ray, pres't—8.

So it was decided in the negative, and the said bill ordered to be read a third time to-morrow.

The engrossed bill to repeal a part of the act, entitled "An act concerning saltpetre caves, and for other purposes," was read a third time, and passed.

Ordered, That Mr. Givens inform the House of Representatives thereof, and request their concurrence therein.

The Senate now according to order, resolved itself into committee of the whole, on the bill to amend the act, entitled "An act regulating the taking up of animals going astray, and water craft and other articles of value adrift," approved, January 7, 1824:

Mr. Grass in the chair;

When, after some time spent thereon, the committee rose;

Mr. President resumed the chair, and

Mr. Chairman reported the bill with an amendment; which was read and concurred in. The said bill was then read a third time, and re-committed to a committee of the whole Senate, and made the order of the day for to-morrow.

On motion,

The committee of the whole Senate was discharged from the further consideration of the joint resolution of the General Assembly, relative to the books in the office of the secretary of state; and the said joint resolution was ordered to be engrossed and read a third time to-morrow.

The Senate according to order, now resolved itself into committee of the whole, on the engrossed bill to amend the act, "for the assignment of dower:"

Mr. Craig in the chair;

And after some time spent thereon, the committee rose;

Mr. President resumed the chair, and

Mr. Chairman reported the said bill to the Senate with an amendment; which was read and concurred in; and the further consideration of the said bill indefinitely postponed.

The orders of the day were then postponed for the present; when Mr. Thompson from the select committee on the subject, now reported the bill to provide for a change of venue in a certain case therein named, without amendment; and the said bill was read a third time, and passed without amendment.

Ordered, That Mr. Thompson inform the House of Representatives thereof.

The Senate now according to order, resolved itself into committee of the whole, on the bill to amend the act "concerning proceedings in ejectment, distress for rent, and tenants at will holding over:"

Mr. Johnson in the chair;

And after some time spent thereon, the committee rose;

Mr. President resumed the chair, and

Mr. Chairman reported the same to the Senate with an amendment; which was read and concurred in, and the said bill ordered to lie on the table.

On motion,

The committee of the whole Senate was discharged from the further consideration of the engrossed bill from the House of Representatives, to amend the act "to regulate descents." And the said bill was read a third time and rejected.

And the Senate adjourned to 9 o'clock to-morrow morning.

WEDNESDAY, FEBRUARY 2, 1825.

Senate assembled.

Mr. Gregory from the committee on roads and canals, now reported a bill establishing certain state roads therein named; which was read, and ordered for second reading to-morrow.

Mr. Thompson from the select committee to whom the subject had been committed, now reported the bill to authorize a change of venue in a certain case, with sundry amendments—which were read and concurred in; and the said bill as amended, ordered to be engrossed, and read a third time to-morrow.

Mr. Gregory on leave being granted, introduced a bill legalizing the proceedings of certain commissioners of state roads; which was read a first time, and ordered for second reading to-morrow.

Mr. Milroy from the select committee, to whom the subject had been referred, now reported a joint resolution of the General Assembly, relative to certain mail routes, with sundry amendments; which were read and concurred in—and the said resolution as amended, ordered to be engrossed, and read a third time to-morrow.

The engrossed joint resolution of the General Assembly, relative to certain books in the office of the secretary of state, was read a third time, and postponed indefinitely.

The engrossed bill amending “An act regulating the fees of certain officers and persons therein named,” approved, January 30, 1824, was read a third time and rejected.

The engrossed bill from the House of Representatives, amending “An act establishing a county treasurer,” approved, January 31, 1824, was read a third time, and passed without amendment.

Ordered, That Mr. Graham inform the House of Representatives thereof.

Mr. Thornton from the House of Representatives, informed the Senate, that the House of Representatives have passed the bill from the Senate, to incorporate the Tanner’s creek bridge company, without amendment. They have passed engrossed bills as follows, to wit: An engrossed bill to amend the act, entitled “An act to regulate and license taverns,” approved, January 24, 1824; an engrossed bill “to establish a state library,” and an engrossed bill to amend an act, entitled “An act relating to county seminaries,” approved, January 31, 1824; in which bills they request the concurrence of the Senate. They concur in the amendments proposed by the Senate to the bill from the House of Representatives, to provide for the appointment of a separate commissioner for that part of the state road from Mauk’s ferry to Indianapolis, which lies be-

tween the town of Franklin and Indianapolis—they also concur in the amendment proposed by the Senate to the bill from the House of Representatives, legalizing the proceedings of the courts doing county business, in Marion, Hamilton and Allen counties—and they concur in the report of the joint committee of free conference, on the subject matter of difference existing between the two Houses, relative to the bill from the House of Representatives, to provide for the enumeration of the free white male inhabitants above the age of twenty-one years—and that the Speaker of the House of Representatives had signed sundry enrolled bills; which bills he now handed to the President of the Senate for his signature, and being signed, they were returned to the committee on enrolled bills, to be laid before the Governor for his approval and signature.

Mr. Milroy on leave being granted, now laid before the Senate, the petition of George Smith, accompanied with a book called the Indiana Scrivener; which petition was read; and with the book referred to the judiciary committee, to report thereon.

The Senate now, according to order, resolved itself into committee of the whole, on the bill relative to bidders and purchasers at sheriffs' sales:

Mr. Montgomery in the chair;

When after some time spent thereon, the committee rose;

Mr. President resumed the chair, and

Mr. Chairman reported the said bill with an amendment; which were read and concurred in, and the said bill ordered to be engrossed, and read a third time this afternoon.

Mr. Thornton from the House of Representatives, informed the Senate, that the House of Representatives had passed the following resolution, to wit:

Resolved by the House of Representatives, That they will positively adjourn, sine die, on Saturday the 12th day of February inst.; and that they will receive no new business after Saturday the 5th day of February inst.—that the Senate be informed thereof, and the adoption of a similar resolution on their part requested. And the said resolution was read, and ordered to lie on the table.

The engrossed bill from the House of Representatives, to amend an act, entitled "An act relating to county seminaries," approved, January 31, 1824; the engrossed bill to establish a state library, and the engrossed bill to amend the act, entitled "An act to regulate and license taverns," approved, January 24, 1824; were severally read a first time, and ordered for second reading to-morrow.

The Senate now according to order, resolved itself into committee of the whole, on the bill providing for an alteration in

the state road leading from Lawrenceburgh to Indianapolis:

Mr. Givens in the chair;

And after some time spent thereon, the committee rose;

Mr. President resumed the chair, and

Mr. Chairman reported the said bill without amendment—
And the said bill was ordered to lie on the table.

The Senate according to order, now resolved itself into committee of the whole, on the engrossed bill from the House of Representatives, extending the jurisdiction of justices of the peace, and for other purposes:

Mr. Grass in the chair;

And after some time spent thereon, the committee rose;

Mr. President resumed the chair, and

Mr. Chairman reported to the Senate, progress made in the said bill, with a request for leave to sit again—and by unanimous consent, leave was granted.

And the Senate adjourned to two o'clock, P. M.

2 o'clock, P. M.

Senate assembled.

The Senate according to order, now again resolved itself into committee of the whole, on the engrossed bill extending the jurisdiction of justices of the peace, and for other purposes:

Mr. Gray in the chair;

And after some time spent thereon, the committee rose;

Mr. President resumed the chair, and

Mr. Chairman reported to the Senate, progress made in the said bill, with a request that the committee of the whole have leave to sit again; which was refused, and

On motion by Mr. Graham,

The bill was ordered to be spread on the journals as follows,
to wit:

An Act extending the jurisdiction of Justices of the Peace, and for other purposes.

SEC. 1. *Be it enacted by the General Assembly of the state of Indiana,* That all suits wherein the sum due or demanded in actions of debt or assumpsit, shall not exceed one hundred dollars, exclusive of interest and costs, shall be commenced and prosecuted before a justice of the peace; and suits on all notes, due bills, or other instruments of writing given for the payment of money, or other valuable articles, that have been reduced by credits endorsed thereon to an amount not exceeding one hundred dollars, exclusive of interest and costs, shall be commenced before any justice of the peace, if the plaintiff elect so to do: *Provided,* That this section shall not be so construed as

to take from justices of the peace exclusive jurisdiction in all actions or suits wherein the sum due or demander shall not exceed fifty dollars, exclusive of interest and costs; and should any person or persons hereafter commence any suit or action of debt, covenant, assumpsit or action on the case in the circuit court, and shall not recover more than fifty dollars exclusive of interest and costs, such person or persons shall pay all costs which may have there accrued: *And provided also*, That justices of the peace shall have jurisdiction in all suits on bonds taken by constables for the delivery of property taken in execution, of whatever amount; provided that the plaintiff may elect in what court he will bring his suit on said bond.

SEC. 2. Whenever hereafter any defendant or defendants against whom a judgment has been or may be entered on the docket of any justice of the peace within this state, shall fail to pay and satisfy the same, or shall fail to enter security for the stay of the same agreeably to law, it shall be the duty of such justice on application of the plaintiff, his agent or attorney, to issue execution directed to some constable of the proper county, commanding him to levy the amount of the debt, interest and costs named in said execution, of the goods and chattels of said defendant or defendants, and for want of such goods and chattels whereon to levy, then to take the body of said defendant or defendants, and convey him, her or them, to the jail of the proper county, there to be detained until the debt, interest and costs aforesaid be paid, or he, she or they otherwise legally discharged: *Provided*, that it shall be lawful for such defendant or defendants, when taken on such writ, while in the hands of such officer, and before being put into prison, or at any time after he, she or they may be put in prison on the same, to discharge himself, herself or themselves, by delivering a sufficiency of goods and chattels to the proper officer to discharge the debt or damages, and the interest and costs due on such writ of execution, or by delivering all the property of which he, she or they may be possessed which may be subject to execution, together with all moneys and effects, and solemnly swearing before such constable or other officer, that he, she or they have no more property, money or effects subject to execution, or moneys or effects in their possession or control, or in the possession or control of any other person or persons for the use of such defendant or defendants, and that he, she or they, have neither directly or indirectly disposed of, transferred or concealed any of their property, moneys or effects with an intention to defraud his, her or their creditor or creditors; or if any such defendant or defendants have no property, either real or personal, subject to execution, or moneys or effects, he, she or they, may

discharge themselves therefrom, by swearing before such constable or other officer, that he, she or they have no property subject to execution, or moneys or effects in his, her or their possession or control, or in the possession or control of any other person or persons for his, her or their use, and he, she or they have not either directly or indirectly disposed of, transferred or concealed any of their property, moneys or effects, with an intention of defrauding their creditor or creditors; and in case any such defendant or defendants avail himself, herself or themselves of this section of this act, and shall bring himself, herself or themselves, strictly within either of the provisions of this section, the constable or other officer shall thereupon discharge such defendant or defendants from further imprisonment on such suit: *Provided also*, That no female person shall be imprisoned for debt within this state, except in actions of tort.

SEC. 3. Any officer legally authorized to serve such writ is hereby legally empowered to administer any and all the oaths mentioned in the last foregoing section; which said oath or oaths, when so administered by such officer, shall be reduced to writing, and the party making the oath shall swear to and sign the same; and such oath when so signed and sworn to, such officer shall return with such writ of execution to the officer where the execution issued, making such oath a part of the return to such writ, which shall be a legal and available return for such officer; and if any such oath or oaths, or any part thereof be false, the person or persons who made and took such oath or oaths, shall on conviction thereof by indictment, be deemed guilty of perjury, and suffer the pains and penalties thereof, and be subject to imprisonment again, as though he, she or they had never been imprisoned.

SEC. 4. When any judgment may be entered against any defendant in his absence, if he appear within ten days, pay or give security for the costs, and request the judgment to be opened, the justice may grant a new trial and appoint a day therefor, of which the defendant shall notify the plaintiff at least six days prior to the day appointed—but stay of execution shall only be prolonged from the date of the former judgment.

SEC. 5. That in all suits which may be commenced before any justice of the peace, and an appeal taken thereon to the circuit court, and on which a judgment may be rendered thereon to the amount of fifty dollars, or upwards, the supreme court shall have appellant jurisdiction in the same manner as if the same had been originally commenced in the circuit court—that the thirteenth section of an act, entitled “An act regulating the jurisdiction and duties of justices of the peace,” approved, Ja-

nuary 30, 1824, and so much of any other act as comes within the purview of this act be, and the same is hereby repealed.

This act to be in force from and after its publication.

When, Mr. Pennington moved, that the further consideration of the said bill be indefinitely postponed. And on the question, shall this bill be indefinitely postponed? The ayes and noes being demanded by Mr. Graham and another:

Those who voted in the affirmative were,

MESSRS. Givens, Gray, Montgomery, Pennington, Rariden, and Thompson—6.

And those who voted in the negative were,

MESSRS. Chambers, Craig, Ewing, Graham, Grass, Gregory, Johnson, Milroy, Stapp and Ray, pres't—10.

So it was decided in the negative.

And the Senate adjourned to 9 o'clock to-morrow morning.

THURSDAY, FEBRUARY 3, 1825.

Senate assembled.

Mr. Rariden from the joint committee on enrolled bills, now reported: That they did on yesterday lay before the Governor for his approval and signature, the following enrolled bills, to to wit:—

An act, to amend the act, entitled “An act to incorporate the town of Madison”—Approved, Dec. 22, 1823.

“An act to attach part of the county of Pike to the county of Gibson.”

“An act for the relief of certain persons therein named.”

“An act, to repeal the third section of the special act, entitled “an act authorizing the review of a certain state road therein named,” approved, January 31, 1824, and for other purposes.”

“A joint resolution disapproving of the amendment proposed by the state of Georgia to the constitution of the United States, on the subject of the ingress of people of colour, into the several states of the Union.”

“A joint resolution of the General Assembly, relative to the agent of the three per cent. fund.” And

“A joint resolution of the General Assembly, relative to the removal of the land-office at Brookville to Indianapolis.”

Mr. Gregory laid before the Senate, the petition of John Ro-

berts and others, praying an alteration in the boundaries of Madison county; which was read, and referred to a select committee, composed of Messrs. Gregory, Johnson, Rariden, Pennington and Montgomery.

On motion by Mr. Gray,

The bill providing for an alteration in the state road from Lawrenceburgh to Indianapolis, was taken up, and ordered to be engrossed for third reading to-morrow.

The engrossed bill to authorize a change of venue in a certain case, and the engrossed joint resolution of the General Assembly, relative to certain mail routes, were severally read a third time, and passed.

Ordered, That Mr. Thompson. inform the House of Representatives thereof, and request their concurrence therein.

The engrossed bill relative to purchasers at sheriffs' sales, was read, and ordered to lie on the table.

The bill to amend an act, entitled "An act relating to county seminaries," approved, January 31, 1824; the bill to amend the act "to regulate and license taverns," approved, January 24, 1824; the bill to establish certain state roads therein named, and the bill to establish a state library; were severally read a second time, severally committed to committees of the whole Senate, and made the several orders of the day for to-morrow.

The bill legalizing the proceedings of certain commissioners of state roads, was read a second time, and ordered to be engrossed for third reading to-morrow.

Mr. Rariden from the committee on enrolled bills, now made the following report, to wit:

Mr. President,

Your joint committee of enrolled bills, have compared the following engrossed bills with the enrolled bills, entitled Acts, to wit:

"An act to provide for the appointment of a separate commissioner, for that part of the state road leading from Mauk's ferry to Indianapolis, as lies between Franklin and Indianapolis."

"An act to provide for taking the enumeration of the free white male inhabitants above the age of twenty-one years."

"An act, amending the act "establishing a county treasurer," approved, January 31, 1824—And find the same truly enrolled.

The Senate now according to order, resolved itself into committee of the whole, on the bill to re-locate the seat of justice of Crawford county:

Mr. Stapp in the chair;

And after some time spent thereon, the committee rose;

Mr. President resumed the chair, and

Mr. Chairman reported the same to the Senate without amendment. And

On motion,

The further consideration of the said bill was indefinitely postponed.

Mr. Thornton from the House of Representatives, now informed the Senate, that the House of Representatives had passed the following engrossed bills, to wit: A bill to amend an act, entitled "An act for the incorporation of county seminaries," approved; January 28, 1824; an engrossed bill to amend "An act concerning the seminary lands in Monroe and Gibson counties, and for other purposes;" an engrossed bill to incorporate the several townships in the county of Dearborn; an engrossed bill to amend "An act to establish a board of trustees for the promotion of schools and education in Clark's Grant," approved, January 28, 1824; an engrossed bill supplemental to the act, entitled "An act regulating the practice in suits at law," and an engrossed bill to amend an act, entitled "An act incorporating congressional townships, and providing for public schools therein," approved, January 31, 1824; in which several bills they request the concurrence of the Senate. Also, that the House of Representatives have passed the engrossed bill from the Senate, authorizing the appointment of pilots at the Falls of the river Ohio in this state, without amendment.

The engrossed bill from the House of Representatives, to incorporate the several townships in the county of Dearborn, was read a first and second time, and ordered for third reading to-morrow.

The engrossed bill from the House of Representatives, to amend an act, entitled "An act for the incorporation of county libraries," approved, January 28, 1824; the engrossed bill to amend "An act to establish a board of trustees for the promotion of schools and education in Clark's Grant," approved, January 28, 1824, and the engrossed bill to amend "An act incorporating congressional townships, and providing for public schools therein," approved, January 31, 1824, were severally read a first time, and severally ordered for second reading to-morrow.

The engrossed bill from the House of Representatives, supplemental to the act, entitled "An act regulating the practice in suits at law," and the engrossed bill to amend "An act concerning the seminary lands in Monroe and Gibson counties, and for other purposes;" were severally read a first and second time, and severally committed to committees of the whole Senate, and severally made the orders of the day for to-morrow.

The Senate now according to order, resolved itself into committee of the whole, on the bill relative to fugitives from labour:

Mr. Milroy in the chair;

And after some time spent thereon, the committee rose;

Mr. President resumed the chair, and

Mr. Chairman reported the same to the Senate with sundry amendments; which were read, and a motion made to concur therein; but previous to the question being put, the Senate adjourned to two o'clock P. M.

2 o'clock, P. M.

Senate assembled.

The bill relative to fugitives from labour, was taken up—And on the question, will the Senate concur in the amendments made to this bill in committee of the whole; Previous to the question being put, Mr. Stapp moved, that the further consideration of the said bill, (which reads in the words following) be indefinitely postponed, to wit:

A Bill relative to Fugitives from Labour.

SEC. 1. *Be it enacted by the General Assembly of the state of Indiana,* That any person of any state or territory, having any claim to the service of any person within this state, in proceeding to reclaim such person shall first, by himself, herself or themselves, or by his, her or their agent or attorney, go before some justice of the peace, within the county where such person may be found or reside, or before a judge of the supreme or circuit courts, and make an affidavit that he, she or they or the person for whom he, she or they are agent or attorney have, as they verily believe, a just and legal claim to the service of such person, agreeably to the laws of the state or territory from which such person may have fled, as also the name of the owner; which affidavit shall be by such justice or judge, preserved, and thereupon issue a warrant, in which he shall name and describe such person, directing the sheriff or any constable of said county, forthwith to bring him, her or them before such justice or judge; and if such person shall, in the presence and hearing of such justice or judge, acknowledge that he, she or they owe service to the person claiming his, her or their service agreeable to the laws of the state or territory from which he, she or they have fled, then, and in that case, such justice of the peace or judge shall give such claimant, his, her or their agent or attorney, a certificate of that fact, which certificate, signed and sealed by such justice or judge, shall be sufficient authority to authorize the person to whom it may be given, to remove said person to the state or territory from which

he, she or they may have fled, and in which he, she or they may owe service.

SEC. 2. Should such person deny owing service, and wish to contend for his, her or their liberty, it shall be the duty of such justice or judge before whom such case may be pending, after hearing all the testimony that may be adduced, both by said claimant and defendant, if he shall be of opinion said claim is well grounded, to issue a warrant to the sheriff of said county, directing him forthwith to notify the associate judges of said county, or any circuit court judge in this state, whose duty it shall be when so notified, to attend at the court-house or place of holding court in said county, on the day named in said warrant, which day shall not be more than three days from the arrest of said person; and it shall be the duty of said sheriff, and he is hereby directed, to summon a jury of twelve good and lawful householders of said county, who shall attend at the time and place appointed for said trial, and for failure so to do, shall be liable and subject to the same penalties as jurymen are in other civil cases; and if said justice or judge shall be of opinion, that the claim of said claimant is not well grounded, he shall cause said person to be discharged at the cost of said claimant, his agent or attorney, (as the case may be.)

SEC. 3. The judge or judges, notified and attending as directed by this act, are authorized to proceed to hear and determine by jury, the cause or causes so brought before him or them, which trial shall be governed and conducted in every respect in the same manner, and by the same rules and regulations that all other trials by jury in civil cases in term time are governed; and the verdict and judgment shall have the same force and virtue as if the same was had and obtained in the circuit court in term time.

SEC. 4. The act, entitled "An act relative to fugitives from labour," approved, January the twenty-second, eighteen hundred and twenty-four be, and the same is hereby repealed.

And on the question, shall the further consideration of this bill be postponed indefinitely? The ayes and noes being demanded by Mr. Thompson and another:

Those who voted in the affirmative were,

MESSRS. Ewing, Givens, Gray, Johnson, Montgomery, Rariden, Stapp and Ray, pres't—8.

And those who voted in the negative were,

MESSRS. Chambers, Graham, Grass, Gregory, Milroy, Pennington and Thompson—7.

So it was decided in the affirmative; and the said bill indefinitely postponed.

The following message was received from the Governor, by Mr. James M. Ray, his private secretary, to wit:

I am directed by the Governor to inform the Senate, that he did on this day approve and sign—

“A joint resolution of the General Assembly, relative to the agent of the three per cent. fund.”

“A joint resolution of the General Assembly, relative to the removal of the land office at Brookville to Indianapolis.”

“An act, to amend the act, entitled “An act to incorporate the town of Madison, in the county of Jefferson”—Approved, December 22, 1823; which originated in the Senate.

Mr. Thornton from the House of Representatives, now informed the Senate, that the House of Representatives had passed the following engrossed bills, to wit: An engrossed bill authorizing the printing and distributing the acts, joint resolutions and journals of the present General Assembly; an engrossed bill to locate a seminary in and for the county of Union; an engrossed bill relating to the state road from Bethlehem to Columbus, and a joint resolution relative to the regiment composed of the counties of Allen and Randolph; in which bills and joint resolution, they request the concurrence of the Senate. Also, that the Speaker of the House of Representatives, had signed sundry enrolled bills, which he now handed to the President of the Senate for his signature; and being signed by him, were handed to the committee on enrolled bills, to be laid before the Governor for his approval and signature.

The engrossed bill from the House of Representatives, authorizing the printing and distributing the acts, joint resolutions and journals of the present General Assembly; the engrossed bill from the House of Representatives to locate a seminary in and for the county of Union, and the engrossed bill relating to the state road leading from Bethlehem to Columbus; were severally read a first and second time now, and severally ordered for third reading to-morrow.

The engrossed joint resolution relative to the regiment composed of the counties of Allen and Randolph, was read twice, committed to a committee of the whole Senate, and made the order of the day for to-morrow.

Mr. Rariden from the committee on enrolled bills, now made the following report, to wit:

Mr. President,

Your committee of enrolled bills, have submitted to his Excellency, for his approval and signature, the following enrolled bills, to wit:

"An act, to amend the act, entitled "An act establishing a county treasurer," approved, January 31, 1824.

"An act to provide for the appointment of a separate commissioner for that part of the state road leading from Mauk's ferry to Indianapolis, which lies between the town of Franklin and Indianapolis."

"An act to provide for taking the enumeration of the free white male inhabitants above the age of twenty-one years."

The bill extending the jurisdiction of justices of the peace, and for other purposes, was again taken up; when a motion was made to strike out the first section of said bill. And on the question, shall the first section of this bill be stricken out? The ayes and noes being demanded by Mr. Graham and Mr. Ewing:

Those who voted in the affirmative were,

MESSRS. GIVENS, Gray, Gregory, Montgomery, Pennington, Rariden, Stapp, Thompson and Ray, pres't—9.

And those who voted in the negative were,

MESSRS. Chambers, Craig, Ewing, Graham, Grass, Johnson and Milroy—7.

So it was decided in the affirmative.

The further consideration of the said bill was then postponed to the first Monday in December next.

N. B. This is the bill, a copy of which is spread on the journals of yesterday.

The Senate now according to order, resolved itself into committee of the whole, on the bill to amend the act, entitled "An act regulating the taking up of animals going astray, and water craft and other articles of value adrift."

Mr. Chambers in the chair;

And after some time spent thereon, the committee rose;

Mr. President resumed the chair, and

Mr. Chairman reported: That the committee of the whole had, according to order, had the said bill under consideration, and had amended the same by striking out a part of the first, and the whole of the third and fourth sections; in which amendments he requested the concurrence of the Senate.

Thereupon,

Resolved, That the Senate refuse to concur in the said first named amendment. And on the question, will the Senate concur in the said second amendment? it was determined in the affirmative. Ayes nine, noes five.

Those who voted in the affirmative were,

MESSRS. Chambers, Ewing, Givens, Graham, Gregory, Johnson, Milroy, Montgomery and Rariden.

And those who voted in the negative were,

MESSRS. Grass, Pennington, Stapp, Thompson and Ray, president.

So it was resolved that the Senate concur therein.

Further resolved, That the Senate concur in the amendment thirdly above named.

Ordered, That the said bill be read a third time to-morrow.

And the Senate adjourned to 9 o'clock to-morrow morning.

FRIDAY, FEBRUARY 4, 1825.

Senate assembled.

Mr. Rariden from the committee on enrolled bills, now made the following report: That they had compared the following enrolled with the engrossed bills to wit:

“An act legalizing the proceedings of the courts doing county business in the counties of Marion, Hamilton and Allen.”

And “An act authorizing the administrator and administratrix of the estate of Thomas Osborn, deceased, to complete a conveyance of certain lands therein named.”

“An act to provide for a change of venue in a certain case therein named”—And find the same truly enrolled.

Mr. Rariden laid before the Senate, the petition of sundry citizens, praying that White Water may be declared a public highway to a certain mill therein named; which was read, and referred to the committee on roads and canals, to report thereon.

Mr. Pennington laid before the Senate, the petition of John Aydelott, praying additional allowance for stationary furnished the last General Assembly; which was read, and referred to the committee of ways and means.

Mr. Chambers from the select committee, to whom had been referred the petition of John Moser and others, now reported a bill attaching part of Daviess county, to the county of ———; which was read, and re-committed to a select committee, composed of Messrs. Ewing, Chambers, Grass and Montgomery, to report thereon.

Mr. Gregory reported a bill attaching part of the county of

Delaware to Marion county; which was twice read, and ordered to be engrossed for third reading to-morrow.

Mr. Pennington offered for the consideration of the Senate, the following resolution, to wit:

Resolved, That it is the duty of the Senate, to elect a president pro tempore of the Senate during this session, who will be eligible to discharge the functions of the executive, should that chair become vacant, until the next session of the legislature.

Resolved, That it is the opinion of the Senate, that no Senator is eligible to serve as president pro tempore of the Senate, after his Senatorial term has expired.

Mr. Gray from the select committee on the subject, now made the following report, to wit:

Mr. President,

Your committee to whom was referred so much of the Governor's message as relates to "An act of Congress, giving the right of pre-emption to states, of one quarter section of land in each new county, have had the same under consideration, and deem it inexpedient to legislate on that subject at the present session—and the said report was read, and concurred in.

On motion by Mr. Stapp,

The joint resolution of the General Assembly, for the emancipation of slaves, and colonization of persons of colour, within the United States, was read a third time, and passed without amendment.

Ordered, That Mr. Stapp inform the House of Representatives thereof.

Mr. Montgomery from the select committee to whom the bill had been referred, now reported the bill relative to certain state roads, with an amendment; which was read and concurred in—and the said bill as amended, ordered to be engrossed and read a third time to-morrow.

Mr. Graham from the select committee, to whom had been referred the petitions of sundry citizens of Vermillion, Vigo and Parke counties, praying the erection of a new county, now reported, that in the opinion of the committee, it is inexpedient to legislate on that subject at the present session; and the said report was read, and concurred in.

On motion by Mr. Gregory,

Ordered, That the bill to vacate a part of the town of Marion in Shelby county, be engrossed for third reading to-morrow.

The engrossed bill providing for an alteration in the state road leading from Lawrenceburgh to Indianapolis, was read a third time. And on the question, shall this bill pass? The ayes and noes being demanded by Mr. Craig and another:

Those who voted in the affirmative were,

MESSRS. Chambers, Ewing, Givens, Graham, Grass, Gray, Gregory, Johnson, Milroy, Rariden and Ray, pres't—11.

And those who voted in the negative were,

MESSRS. Craig, Montgomery, Pennington, Stapp & Thompson—5.

So it was decided in the affirmative.

Ordered, That Mr. Gray inform the House of Representatives thereof, and request their concurrence therein.

The engrossed bill from the House of Representatives, incorporating the several townships in Dearborn county, was read a third time, and passed.

Ordered, That Mr. Gray inform the House of Representatives thereof.

The engrossed bill from the House of Representatives, relating to the state road leading from Bethlehem to Columbus, was read a third time, and passed without amendment.

Ordered, That Mr. Graham inform the House of Representatives thereof.

The Senate now took up the bill authorizing the printing and distributing the acts, joint resolutions and journals of the present General Assembly—and the same having been read, when Mr. Thompson moved, that the said bill be committed to a committee of the whole Senate, and made the order of the day for this day now; and thereupon,

The Senate now resolved itself into committee of the whole on the aforesaid bill:

Mr. Gregory in the chair;

And after some time spent thereon, the committee rose;

Mr. President resumed the chair, and

Mr. Chairman reported the said bill to the Senate, with sundry amendments; which were read; and previous to concurrence in said amendments, the Senate adjourned to 2 o'clock this afternoon.

2 o'clock, P. M.

Senate assembled.

The bill authorizing the printing and distributing the acts, joint resolutions and journals of the present General Assembly, was again taken up; when the first question which occurred in the Senate, was on concurrence to the following amendment, proposed by Mr. Thompson, and adopted in committee of the whole, to wit: That the bill be so amended as to direct the secretary of state, to cause the road laws and laws relating to the poor, to be printed in separate pamphlets, and the same

number of those pamphlets, as of the acts of the present session, to be distributed in the various counties for the use of supervisors of roads, and overseers of the poor. When on the question, shall this amendment be adopted? The ayes and noes being demanded by Mr. Thompson and another:

Those who voted in the affirmative were,

MESSRS. Chambers, Craig, Ewing, Givens, Graham, Grass, Gray, Gregory, Johnson, Montgomery, Thompson and Ray, pres't—12.

And those who voted in the negative were,

MESSRS. Pennington, Rariden and Stapp—3.

So it was decided in the affirmative, and the said amendment concurred in.

Mr. Ewing then moved to amend the said bill, by adding thereto, the following words, to wit: "and it is hereby rendered the duty of the clerks of the circuit court of each county, to make a record of the day and date of the reception of the laws as above authorized in his office; and such record shall be deemed and taken as the time of publication of said laws within said county." And on the question, shall this amendment be adopted? The ayes and noes being demanded by Mr. Ewing and another:

Those who voted in the affirmative were,

MESSRS. Craig, Ewing, Givens, Graham, Grass, Gray, Gregory, Johnson, Milroy, Montgomery, Pennington, Rariden and Ray, pres't—13.

And those who voted in the negative were,

MESSRS. Chambers, Stapp and Thompson—3.

So it was decided in the affirmative.

Mr. Thompson then moved so to amend the said bill, as to strike out so much thereof, as gives to each member of the General Assembly, a copy of the laws. And on the question, shall the bill be so amended? The ayes and noes being demanded by Mr. Thompson and another:

Those who voted in the affirmative were,

MESSRS. Ewing, Givens and Thompson—3.

And those who voted in the negative were,

MESSRS. Chambers, Craig, Graham, Grass, Gray, Gregory, Johnson, Milroy, Montgomery, Pennington, Rariden, Stapp & Ray, pres't—13.

So it was decided in the negative; and the said amendments

ordered to be engrossed, and with the bill read a third time to-morrow.

The act "to locate and establish a county seminary in and for the county of Union," was read a second and third time, and passed without amendment.

Ordered, That Mr. Johnson inform the House of Representatives thereof.

The act, to amend the act, "regulating the taking up of animals going astray, and water craft and other articles of value adrift," was read a third time. And on the question, shall this bill pass? The ayes and noes being demanded by two members:

Those who voted in the affirmative were,

MESSRS. Chambers, Craig, Graham, Grass, Johnson, Milroy, Montgomery, Pennington, Stapp, Thompson & Ray, pres't—11.

And those who voted in the negative were,

MESSRS. Givens, Gray, Gregory and Rariden—4.

So it was decided in the affirmative.

Ordered, That Mr. Pennington inform the House of Representatives of the passage of said bill with some amendments; in which the concurrence of that House is requested.

The engrossed bill from the House of Representatives, to amend the act "establishing a board of trustees for the promotion of schools and education in Clark's Grant," was read a second and third time, and passed without amendment.

Ordered, That Mr. Thompson inform the House of Representatives thereof.

The engrossed bill from the House of Representatives, to establish a state library, was read a second and third time, and passed without amendment.

Ordered, That Mr. Farnham inform the House of Representatives thereof.

The engrossed bill from the House of Representatives, to amend "An act incorporating congressional townships, and establishing schools therein, was read a second time, committed to a committee of the whole Senate, and made the order of the day for to-morrow.

Mr. Thornton from the House of Representatives, informed the Senate, that the House of Representatives have passed bills of the following titles, to wit: "An act for the relief of the citizens of the county of Perry;" and "An act amendatory of the law, and for the better advancement of justice." They have also adopted the joint resolution from the Senate, "for the benefit of Major John Allison," without amendment; and they have passed the bill from the Senate, entitled "An act, to re-

peal part of the act, entitled "An act concerning saltpetre caves, and for other purposes," with an amendment; in which two first mentioned bills and amendment, they desire the concurrence of the Senate. The Speaker having signed several enrolled bills, I am directed to bring them to the Senate for the signature of their president—And the said bills being signed by the President of the Senate, they were handed to the committee on enrolled bills, to be laid before the Governor for his approval and signature.

Mr. Rariden from the committee on enrolled bills, now reported: That they had laid before the Governor, for his approval and signature—

"An act to incorporate the Tanner's creek bridge company."

"An act for the relief of the securities of the late sheriff of Floyd county," and

"An act to provide for the payment of certain claims allowed by the circuit court of Sullivan county."

The Senate according to order, now resolved itself into committee of the whole, on the engrossed bill from the House of Representatives, respecting state roads:

Mr. Ewing in the chair;

And after some time spent thereon, the committee rose;

Mr. President resumed the chair, and

Mr. Chairman reported the said bill to the Senate, with sundry amendments; in which he was instructed to request concurrence. And on the question, will the Senate concur in the amendments made in committee of the whole to said bill? They were all rejected except the first, which was adopted.

Mr. Ewing then moved to amend the said bill by adding to the sixth section, the following words, to wit: "a reasonable notice shall in all cases be given to the commissioners, by the party aggrieved, before he shuts up or obstructs said road"—which was read and adopted.

Mr. Thompson then moved to amend the said bill, by adding a section thereto, extending the time in which persons shall have a right to make application to the several courts for damages for the period of six months after the passage of said law; which amendment was read and rejected.

The said bill was then further amended in some slight details, and the amendments ordered to be engrossed, and with the bill read a third time to-morrow.

The engrossed bill from the House of Representatives, for the relief of the citizens of the county of Perry, was read a first time, and ordered for second reading to-morrow.

The engrossed bill from the House, amendatory of the laws,

and for the better advancement of justice, was read a first time, and ordered for second reading to-morrow.

The Senate proceeded to consider the amendments made by the House of Representatives to the engrossed bill from the Senate, to repeal part of the act, entitled "An act concerning saltpetre caves, and for other purposes; and the same having been read, were concurred in—and Mr. Farnham directed to inform the House of Representatives thereof.

Mr. Rariden from the committee on enrolled bills, now reported: That they had compared the following enrolled with the engrossed bills, and find the same truly enrolled, to wit:

"An act relating to the state road leading from Bethlehem to Columbus."

"An act for the relief of certain persons therein named."

And "A joint resolution respecting the gradual emancipation of slaves, and colonization of people of colour within the United States."

Mr. Ewing from the committee on enrolled bills, now reported, that they had compared the enrolled bill, entitled "An act authorizing the appointment of pilots at the Falls of the river Ohio in this state, with the engrossed bill—And find the same truly enrolled.

And the Senate adjourned to 9 o'clock to-morrow morning.

SATURDAY, FEBRUARY 5, 1825.

Senate assembled.

Mr. Gregory laid before the Senate, the petition of Jacob Witzel, praying compensation for opening and cutting out a certain road therein named; which was read, and referred to the committee on roads and canals.

Mr. Gregory from the select committee on the subject, now made the following report, to wit:

Your committee to whom was referred the subject of Fall creek mills, find that the bond has been taken by the agent agreeably to the provisions of the law for leasing the said quarter section, to Wm. M'Cartney and John M'Donald; the condition of the said bond was, that the said M'Cartney and M'Donald, were to use no more timber than was necessary for building said mills and keep them in repair, and what was necessary for the improvement of ten acres of land on the aforesaid lease; but by a petition of a very respectable number of the ci-

tizens of said county, it appears that one of the partners in said lease has left the state, and the other pays no attention to said property, and that it is now in an unsafe condition; the timber thereon being greatly destroyed, and constantly destroying.—Your committee are therefore of opinion, that the prosecuting attorney for the fifth judicial circuit, be instructed to enquire into the situation of said mills, and if it is required for the safety of the property, that he be instructed to commence suit against the said lessees, in such way and manner as will best prevent the destruction of the timber; and the said report was read, and committed to a committee of the whole Senate for this day.

Mr. Chambers from the committee of ways and means, to whom the petition of John Aydelott had been referred, praying additional compensation for stationary furnished the last General Assembly, now reported: That in the opinion of a majority of said committee, the prayer of the petitioner is unreasonable, and ought not to be granted; and the said report was read, and committed to a committee of the whole Senate for this day.

Mr. Chambers asked, and obtained leave to introduce a bill authorizing the issuing of writs of ne exeat, by justices of the peace; which was read, and ordered for second reading on Monday next.

The engrossed bill from the House of Representatives, authorizing the printing and distributing the acts, joint resolutions and journals of the present General Assembly, was read a third time, and passed with some amendments; and the engrossed bill respecting state roads, from the House of Representatives, was also read a third time, and passed without amendment.

Ordered, That Mr. Farnham inform the House of Representatives of the passage of said bills, and request their concurrence in the amendment made to the first mentioned bill.

The engrossed bill to repeal a part of the act, entitled "An act authorizing the laying off certain state roads in this state, and appropriating one hundred thousand dollars of the fund commonly called the three per cent. fund, for opening said roads," approved, Dec'r 31, 1821, was read a third time, re-committed to a committee of the whole Senate, and made the order of the day for this day.

Mr. Johnson on leave being granted, introduced a bill supplemental to the act "to reduce the salary of the agent of the state at Indianapolis;" which was read a first time, and ordered for second reading on Monday next.

The engrossed bill from the House of Representatives, amendatory of the law, and for the better advancement of justice,

was read a second time, and committed to a committee of the whole Senate for Monday next.

On motion by Mr. Milroy,

Resolved, That the door-keeper of the Senate, under the direction of the committee of ways and means, be directed to cause the fireplace in the Senate chamber, to be repaired.

The engrossed bill from the House of Representatives, for the relief of the citizens of Perry county, was read a second time, committed to a committee of the whole Senate for Monday next.

The Senate now according to order, resolved itself into committee of the whole, on the engrossed bill from the House of Representatives, amending the act "to incorporate congressional townships, and for the establishing schools therein:"

Mr. Givens in the chair;

And after some time spent thereon, the committee rose;

Mr. President resumed the chair, and

Mr. Chairman reported the bill to the Senate without amendment. The said bill was then ordered to be referred to the committee on education, to report thereon.

The Senate now according to order, resolved itself into committee of the whole, on the engrossed bill from the House of Representatives, to amend the act, entitled "An act to regulate and license taverns:"

Mr. Milroy in the chair;

And after some time spent thereon, the committee rose;

Mr. President resumed the chair, and

Mr. Chairman reported, that they had amended the said bill by striking the same out from the enacting clause, and had instructed him to request the concurrence of the Senate therein. And on the question of concurrence, the Senate being equally divided, the said amendment was not concurred in.

Mr. Gray then moved, that the following amendment be added to said bill, to wit: "That all laws heretofore in force, empowering the board of magistrates or others, to rate tavern keepers, are hereby repealed: *Provided*, it shall be the duty of every innkeeper, during the period of his license, to keep a list of his rates of charges in one of the most public rooms in his house, and in view of his guests." And on the question, shall this amendment be adopted? It was decided in the negative.

Mr. Pennington then offered the following additional section as an amendment to said bill, to wit: That previous to any license being granted hereafter, to any applicant for a tavern license, such applicant shall make and subscribe an oath, that he will not knowingly suffer or permit any species of gambling,

card playing, or games of chance for money, of any description whatever in his house, during the continuance of his license; and if thereafter, said tavern keeper shall knowingly permit or suffer any game of chance, by cards, dice, or other thing for money or property; or any gambling of any description whatever, in his house, out-house or any building under his control, said tavern keeper shall be deemed guilty of perjury, and on conviction shall suffer the pains and penalties thereof. And on the question, shall this amendment be adopted? The ayes and noes being demanded by Mr. Pennington and another:

Mr. Pennington voted in the affirmative.

And those who voted in the negative were,

MESSRS. Chambers, Craig, Ewing, Givens, Graham, Grass, Gray, Gregory, Johnson, Milroy, Montgomery, Stapp & Ray, pres't—13.

So it was decided in the negative.

Some further amendments were then offered by Mr. Ewing to the said bill, and adopted—and the amendments ordered to be engrossed, and with the bill read a third time on Monday next.

And the Senate adjourned to two o'clock P. M.

2 o'clock, P. M.

Senate assembled.

The Senate now according to order, resolved itself into committee of the whole, on the engrossed bill from the House of Representatives, to establish a state library:

Mr. Chambers in the chair;

And after some time spent thereon, the committee rose;

Mr. President resumed the chair, and

Mr. Chairman reported the bill to the Senate with an amendment; which was read and rejected. The bill was then read a third time, and passed.

Ordered, That Mr. Farnham inform the House of Representatives thereof.

The Senate now according to order, resolved itself into committee of the whole, on the bill establishing certain state roads therein named:

Mr. Pennington in the chair;

And after some time spent thereon, the committee rose;

Mr. President resumed the chair, and

Mr. Chairman reported the same to the Senate, with some amendments; which were read and concurred in—and the said

bill was ordered to be engrossed for third reading on Monday next.

The Senate now according to order, resolved itself into committee of the whole, on the engrossed bill from the House of Representatives, to amend "An act, entitled "an act relating to county seminaries:"

Mr. Milroy in the chair;

And after some time spent thereon, the committee rose;

Mr. President resumed the chair, and

Mr. Chairman reported the said bill to the Senate without amendment. The said bill was then read a third time, and passed; and Mr. Montgomery directed to inform the House of Representatives thereof.

On motion,

Mr. Rariden was granted leave of absence for the residue of the session; and Mr. Stapp was appointed on the committee of enrolled bills in the room of Mr. Rariden.

The Senate now according to order, resolved itself into committee of the whole, on the bill to amend "An act concerning the seminary lands in Monroe and Gibson counties, and for other purposes:"

Mr. Gregory in the chair;

And after some time spent thereon, the committee rose;

Mr. President resumed the chair, and

Mr. Chairman reported progress made in said bill, with a request for leave to sit again; which was granted.

The Senate now according to order, resolved itself into committee of the whole, on the joint resolution relative to the regiment composed of the counties of Allen and Randolph:

Mr. Johnson in the chair;

And after some time spent thereon, the committee rose;

Mr. President resumed the chair, and

Mr. Chairman reported the same to the Senate with amendments; which were read and concurred in—and the said joint resolution as amended, read a third time, and passed.

Ordered, That Mr. Farnham inform the House of Representatives thereof, and request their concurrence in said amendments.

Mr. Thornton from the House of Representatives, now informed the Senate, that the House of Representatives concur in the second amendment proposed by the Senate to the bill from the House of Representatives, respecting state roads—they disagree to the third amendment made to said bill, and concur in the first amendment made to said bill, with an amendment; in which they request concurrence. They have also concurred in all the amendments proposed by the Senate, to

the bill from the House of Representatives, authorizing the printing and distributing of the acts, joint resolutions and journals of the present General Assembly. The Speaker of the House of Representatives having signed sundry enrolled bills, he now handed the said bills to the President of the Senate, who signed the same; and they were then handed to the committee on enrolled bills, to be laid before the Governor for his approval and signature.

Mr. Thornton also, at the same time informed the Senate, that the House of Representatives had passed an engrossed bill entitled "An act, to repeal the fifth section of "An act declaring certain streams therein named, public highways;" and they have adopted the joint resolution from the Senate relative to certain mail routes, with an amendment; in which amendment to the amendment made in the first mentioned bill, and amendment made to the resolution last mentioned, and bill last mentioned, they request the concurrence of the Senate.

The Senate then proceeded to consider the third amendment made in Senate, to the bill from the House of Representatives respecting state roads; and the same was receded from—and the amendment made by the House of Representatives, to the first amendment made in Senate to the said bill, was concurred in.

Ordered, That Mr. Farnham inform the House of Representatives thereof.

The Senate next proceeded to consider the amendment made by the House of Representatives, to the joint resolution relative to certain post routes; which was concurred in.

Ordered, That Mr. Farnham inform the House of Representatives thereof.

The engrossed bill from the House of Representatives, to repeal the fifth section of "An act declaring certain streams therein named, public highways," was read a first time, and ordered for second reading to-morrow.

Mr. Thompson standing in his place, read his protest in the words following, against the indefinite postponement of the bill relative to fugitives from labour; which bill as offered by Mr. Thompson, is published in the journals of Thursday the third inst., to wit:

The undersigned protest against a vote of the Senate, indefinitely postponing a bill relative to fugitives from labour, which he had the honour to introduce into that body, for the following reasons in part: The direct object of the bill indefinitely postponed, was to repeal a most obnoxious and oppressive provision in the act of 1824, on the same subject; by which the claimant of any fugitive from labour is authorized for him-

self and in his own person to execute a warrant in his own behalf and for his own interest, thereby subjecting the personal liberty of the inhabitants of this state upon any pretended claim, to the caprice, barbarity or tyranny of an interested and perhaps vindictive individual. The undersigned, whilst he disclaims the remotest idea of invading the rights of the citizens of a sister and neighbouring state, can never consent to invest them with powers greater than we confer on our own citizens, and greater than the principles of our government authorize to be conferred on any man. By the law which it was his object to repeal, by substituting the one indefinitely postponed, the claimant of a fugitive from another state is made the judge and avenger of his own wrong—that is to say, power is given him, which he has every temptation and inducement to abuse; and which the experience of our own citizens proves has been often and most vilely abused. He will not recur to the numerous instances of the flagrant violations of those laws by which every government protects those who tread on its soil—but he will forever deprecate and protest against that legislation which gives to the interested and cruel oppressor, the very power he has always been aiming at, and frequently usurped; but which he never obtained, till the impolitic act of 1824. We do not, we would not trust one of our citizens with the power of recapturing from another, his beast of burden. We insist and require, that an impartial and sworn public officer shall minister to his demands through the channel of the law—and yet the act which now tarnishes our code, makes the person claiming to be interested in the slavery of a human being, the executioner of a warrant of seizure and imprisonment. Surely when the temptation to violate a right infinitely more sacred than property already exists, we ought not to open wide the door to its indulgence.

The undersigned is perfectly willing to grant the citizens of our sister states, the full and free benefit of our laws on all occasions, upon the same terms that we give them to our own citizens. Further than that he cannot, he will not go. He believes that under the baneful influence of such a power as is now given by the act, which it was his wish to repeal, to the slave-holder of a sister state, hundreds of innocent and unsuspecting free people of colour may be incarcerated, and doomed to hopeless slavery.

The object and provisions of the bill introduced by the undersigned, contemplated a speedy seizure of the fugitive by a *sworn officer* of the government, in whose custody safety ought to be expected, and could be insured. A trial was to be had in three days by a jury of the country, conformably to law.—

In a case involving the personal liberty of a human being, this cannot be thought an unreasonable delay. It is the duty of every government, not only to see that *injustice* is not committed, but to refuse its sanction to any law or course of proceeding, that has a tendency to, or furnishes facilities for the committing of injustice. Under the operation of the act of 1824, the invaluable privilege of the writ of Habeas corpus, and the right of trial by jury, are completely destroyed, so far as the unfortunate man of colour, accused of being a fugitive, is concerned; and the boasted prerogatives of law, become the panders to unhallowed avarice and corruption.

For these and other reasons too numerous to detail, the undersigned most solemnly protests against the indefinite postponement of the bill above mentioned, and enters his protest on the journals of the Senate.

JOHN H. THOMPSON.

Which was read.

And the Senate adjourned to 9 o'clock on Monday morning.

MONDAY, FEBRUARY 7, 1825.

Senate assembled.

Mr. Craig laid before the Senate, the petition of John Francis Dufour, formerly clerk of Switzerland county, praying certain relief therein named, relative to the collection of his fees; which was read, and referred to the judiciary committee, to report thereon.

Mr. Ewing from the select committee, to whom the subject had been referred, now made the following report, to wit:

The committee to whom was referred "An act, supplemental to an act, entitled "An act attaching part of Daviess county to Lawrence county," beg leave to report: That after due reflection, they have agreed to amend the same, by striking it out from the enacting clause. The committee in agreeing upon this report, believe they act in perfect accordance to the wishes of at least a majority of the inhabitants of the two townships embraced by the bill; and also, to the sentiments of the citizens of Daviess county—they therefore beg the concurrence of the Senate. And the said report being read, was concurred in; and the further consideration of the said bill, was indefinitely postponed.

Mr. Stapp from the committee on enrolled bills, now made the following report, to wit:

Mr. President,

The joint committee of enrolled bills, have compared the enrolled with the engrossed bills, of the following titles, to wit:

"An act, to repeal part of the act, entitled "An act concerning saltpetre caves, and for other purposes."

"An act, to amend an act, entitled "An act for the incorporation of county libraries"—Approved, January 28, 1824."

"An act to incorporate the several townships in the county of Dearborn."

"An act, to amend the act, entitled "An act regulating the taking up of animals going astray, and other articles of value adrift," approved, January 7, 1824. And

"A joint resolution of the General Assembly, for the benefit of Major John Allison"—And find the same truly enrolled.

And they have also laid before the Governor for his approval and signature—

"An act for the relief of certain persons therein named."

"An act relating to the state road leading from Bethlehem to Columbus."

"An act authorizing the appointment of pilots at the Falls of the river Ohio in this state." And

"A joint resolution respecting the gradual emancipation of slaves, and colonization of people of colour within the United States."

Mr. Gray asked, and obtained leave to introduce a bill authorizing the administrators of John H. Piatt, deceased, to sell all the real estate of said deceased, in the state of Indiana—which was read, and ordered for second reading to-morrow.

Mr. Thompson from the judiciary committee, to whom had been referred the propositions of George Smith, now reported a joint resolution of the General Assembly, relative to George Smith; which was read, and ordered for second reading to-morrow.

The President laid before the Senate, the following report of the commissioners of seminary lands in Gibson county, viz:

The commissioners for the sale of the seminary township in Gibson county, in account with the state of Indiana, for money received 1824.

	<i>Dr.</i>
To cash received from purchasers in the year 1824,	\$431 25
To cash received for rent for the year 1823,	20 00

\$451 25

Cr.

By cash paid the Treasurer of state,	\$350 00
By cash paid for advertising the second sale 1823,	39 00

Balance due the state,

62 25

\$451 25

JOHN J. NEELY,
JAMES SMITH, jun'r, } Com'rs.
WALTER WILSON.

The agent for renting the seminary township in Gibson county, Reports: That there are but two or three farms in said township, in any kind of repair, and that they will not rent for any thing of consequence, but have rented them for corn in 1824, but have not yet converted it into money.

JAMES SMITH, jur. *Agent*
for Seminary Township G. C. Indiana.

The engrossed bill establishing certain state roads therein named, was read a third time, and passed.

Ordered, That Mr. Gregory inform the House of Representatives thereof, and request their concurrence therein.

The engrossed bill from the House of Representatives, to repeal the fifth section of "An act declaring certain streams therein named, public highways," was read a second time, and ordered to be read a third time to-morrow.

The Senate according to order, now resolved itself into committee of the whole, on the bill supplemental to the act, entitled "An act regulating the practice in suits at law,"—approved, January 30, 1824:

Mr. Pennington in the chair;

And after some time spent thereon, the committee rose;

Mr. President resumed the chair, and

Mr. Chairman reported the same to the Senate with sundry amendments; in which he was instructed to request the concurrence of the Senate. And the said amendments being taken separately, those offered by Mr. Thompson, were first considered—the substance of which amendments, were so changing the practice act, as that all civil suits shall be docketed in the order of time in which they may be brought; & that a trial shall be had at the first term, whether the declaration be filed before or after issuing the writ; provided the declaration be filed at least twelve days before term time—and also, giving discretionary powers to the courts to compel suitors in certain cases, whether resident or non-resident, to file bond with security for costs—And on the question, shall these amendments be adopted? It was decided in the affirmative.

The following amendment, to wit: "SEC. That the proviso

to the twelfth section of "an act regulating the practice in suits at law," approved, January 30, 1824, declaring that no statute of limitation shall ever be pleaded as a bar, or operate as such to any actions founded on an instrument or contract in writing, whether the same be sealed or unsealed, be, and the same is hereby repealed—and it is hereby declared, that no action shall be commenced on any instrument of writing sealed or unsealed, after the expiration of ten years from and after the time the right of action may have accrued and outstanding claims or accounts shall not be received as offsets or payments as aforesaid, in any case after the expiration of ten years from and after the time such right of offset or payment may have accrued," was then taken up, read and considered. And on the question, shall this amendment be adopted? The ayes and noes being demanded by Mr. Graham and another:

Those who voted in the affirmative were,

MESSRS. Chambers, Craig, Ewing, Grass, Gray, Gregory, Milroy, Pennington and Ray, pres't—9.

And those who voted in the negative were,

MESSRS. Givens, Graham, Johnson, Montgomery, Stapp and Thompson—6.

So it was decided in the affirmative.

Mr. Ewing then offered for adoption, the following amendment to the said bill, to wit: "and all contracts heretofore made of what nature soever, shall be determined and adjudicated upon by the constitutional laws existing and in force, at the period when the contract was made;" to which amendment offered by Mr. Ewing, Mr. Thompson offered the following proviso, to wit: "Provided, nothing herein contained shall be construed to extend to any contracts heretofore made, and outstanding accounts existing;" which amendment offered by Mr. Thompson, to the amendment offered by Mr. Ewing, was adopted—when previous to the adoption of Mr. Ewing's amendment as amended by Mr. Thompson, Mr. Stapp moved to amend the same by striking out the whole of the amendment previous to the proviso—but previous to the question being put on striking out, Mr. Pennington moved, that the further consideration of the said bill, be postponed until the second Monday in December next. When, previous to the question being put on the postponement, the Senate adjourned to two o'clock P. M.

2 o'clock, P. M.

Senate assembled.

The engrossed bill attaching part of the county of Delaware to the county of Marion. was read a third time, and passed.

Ordered, That Mr. Gregory inform the House of Representatives thereof, and request their concurrence therein.

Mr. Thornton from the House of Representatives, informed the Senate, that the House of Representatives have passed bills from the Senate of the following titles, to wit:

“An act attaching part of the county of Warrick to the county of Spencer.”

“An act, supplemental to an act, entitled “An act declaring Blue river a public highway, and for other purposes.”

“An act making an appropriation to open a road from Indianapolis to Fort Wayne.”

“An act for the relief of the securities of William H. Moore, late collector for the county of Clark.” And

“An act, to amend the act, entitled “An act to regulate the judicial circuits, and fixing the times of holding courts.” The three first mentioned bills without amendmant, and the two last with amendments.

They have passed a bill authorizing the docketing with the clerk's of the circuit courts, transcripts of judgments obtained before justices of the peace in certain cases; in which last mentioned bill and amendments, they desire the concurrence of the Senate. They concur in the amendment proposed by the Senate, to the joint resolution from the House of Representatives relative to the regiments composed of the counties of Allen and Randolph. The Speaker having signed several enrolled bills, I am directed to bring them to the Senate for the signature of their President. And the said enrolled bills being signed by the President, were handed to the committee on enrolled bills, to be laid before the Governor for his approval and signature.

The engrossed bill from the House of Representatives, authorizing the docketing with the clerks of the circuit courts, transcripts of judgments obtained before justices of the peace in certain cases, was read a first time, when Mr. Pennington moved to reject said bill. And on the question, shall this bill be rejected? the ayes and noes being demanded by two members:

Those who voted in the affirmative were,

MESSRS. Pennington, Stapp and Thompson—3.

And those who voted in the negative were,

MESSRS. Chambers, Craig, Ewing, Givens, Graham, Gray, Gregory, Johnson, Milroy, Montgomery and Ray, pres't.—11.

So it was decided in the negative.

The said bill was then read a second time, committed to a committee of the whole Senate, and made the order of the day for to-morrow.

The bill to regulate the judicial circuits, and fixing the times of holding courts, with the amendments made thereto in the House of Representatives, was now taken up, read and considered, and ordered to lie on the table.

Mr. Ewing from the committee on enrolled bills, now made the following report, to wit:

The joint committee on enrolled bills, have compared the enrolled with the engrossed bill entitled, "An act to locate a seminary in and for the county of Union;" and the enrolled with the engrossed bill entitled, "An act to establish a board of trustees for the promotion of schools and education in Clark's Grant," and the engrossed with the enrolled joint resolution entitled, "A joint resolution of the General Assembly, relative to certain mail routes;" and the engrossed with the enrolled bill, entitled, "An act to establish a state library"—And find the same truly enrolled.

The engrossed bill from the House of Representatives, to amend "An act concerning the seminary lands in Monroe and Gibson counties, and for other purposes," was ordered to lie on the table.

The Senate according to order, now resolved itself into committee of the whole, on the bill amendatory of the law, and for the better advancement of justice; from the House of Representatives:

Mr. Graham in the chair;

And after some time spent thereon, the committee rose;

Mr. President resumed the chair, and

Mr. Chairman reported to the Senate, progress made in said bill, with a request for leave to sit again thereon—which leave was granted.

The bill authorizing the issuing of writs of ne exeat by justices of the peace, was read a second time, and ordered to be engrossed for third reading to-morrow.

The engrossed bill from the House of Representatives, to amend "An act concerning the seminary lands in Monroe and Gibson counties, and for other purposes," was now taken up, read a third time, and passed without amendment.

Ordered, That Mr. Farnham inform the House of Representatives thereof.

The amendments made by the House of Representatives, to the bill for the relief of the securities of William H. Moore, late collector for the county of Clark, were taken up, considered and concurred in.

Ordered, That Mr. Farnham inform the House of Representatives thereof.

Mr. Thorpton from the House of Representatives, informed

the Senate, that the Speaker of the House of Representatives had signed sundry enrolled bills, which bills he now laid before the President of the Senate for his signature; and being signed by him, were handed to the committee on enrolled bills, to be laid before the Governor for his approval and signature.

The bill supplemental to the act "reducing the salary of the agent at Indianapolis, was read a second time, and amended by striking out the word "fifty," and inserting in lieu thereof, the words "one hundred," and ordered to be engrossed for third reading to-morrow.

The Senate now according to order, resolved itself into committee of the whole, on the report heretofore made relative to the lease at Fall creek falls: And also, on the report heretofore made by the committee to whom had been referred the petition of John Aydelott—both of which reports had heretofore been committed to the same committee of the whole Senate:

Mr. Ewing in the chair;

And after some time spent thereon, the committee rose;

Mr. President resumed the chair, and

Mr. Chairman reported to the Senate, "a joint resolution of the General Assembly, on the subject of Fall creek mills; and progress made on the petition of John Aydelott, with a request for leave to sit again on the said petition.

The joint resolution of the General Assembly, on the subject of Fall creek mills, was then read a first time, and ordered for second reading to-morrow; and leave was granted the committee of the whole to sit again on the petition of, and report relative to John Aydelott.

And the Senate adjourned to 9 o'clock to-morrow morning.

TUESDAY, FEBRUARY 8, 1825.

Senate assembled.

Mr. Montgomery laid before the Senate, the petition of Leroy C. Bristoe and others, praying a law to authorize a change of venue in sundry cases; which was read, and committed to a select committee, consisting of Messrs. Montgomery, Grass and Thompson, to report thereon.

Mr. Milroy laid before the Senate, the petition of John M. Coleman and Josephus Collett, praying compensation for services rendered in laying out a certain road; which was read, and thereupon, on leave being granted, Mr. Milroy introduced a bill allowing a compensation to the commissioners of the state

road from Terre-Haute to Fort Wayne; which was twice read, committed to a committee of the whole Senate, and made the order of the day for to-morrow.

Mr. Milroy from the committee on military affairs, to whom was referred so much of the Governor's message as relates to the militia, now reported: That in the opinion of said committee, it is inexpedient to make any amendment to the militia law at this session, except as respects the regiment composed of the counties of Allen and Randolph; which report was read and concurred in.

Mr. Stapp from the committee on education, to whom had been committed the engrossed bill to amend "An act, entitled 'an act incorporating congressional townships, and providing for public schools therein,' approved, January 31, 1824; now reported the said bill with sundry amendments; which were read, and concurred in—and the bill, with the amendments, committed to a committee of the whole Senate, and made the order of the day for to-morrow.

Mr. Pennington on leave being granted, introduced a bill supplemental to the act "establishing a county treasurer," and the act "to license and regulate taverns;" which was read, when a motion was made to reject the said bill; the object of which bill was, to increase the fines for offences committed against the law for regulating and licensing taverns, to punish all evasions of the said law, and granting half the fines imposed by said law, to the informer or informers. And on the question, shall this bill be rejected? The ayes and noes being demanded by Mr. Pennington and another:

Those who voted in the affirmative were,

MESSRS. Craig, Givens, Graham, Gray, Montgomery, Stapp, Thompson and Ray, pres't—8.

And those who voted in the negative were,

MESSRS. Chambers, Ewing, Grass, Gregory, Johnson and Pennington—6.

So it was decided in the affirmative.

Mr. Stapp from the committee on enrolled bills, now made the following report, to wit:

Mr. President,

The joint committee on enrolled bills, have compared the enrolled with the engrossed bills, entitled acts of the following titles, to wit:

"An act authorizing the printing and distributing the acts, joint resolutions and journals of the present General Assembly."

"An act, to amend an act, entitled "An act relating to county seminaries," approved, January 31, 1824; and

"A joint resolution relative to the regiment composed of the counties of Allen and Randolph"—And find the same truly enrolled.

They have also laid before the Governor, for his approval and signature—

"An act to incorporate the several townships in the county of Dearborn."

"An act, to amend the act, entitled "An act regulating the taking up of animals going astray, and water craft and other articles of value adrift," approved, January 7, 1824.

"An act, to amend an act, entitled "An act for the incorporation of county libraries," approved, January 28, 1824."

"An act, to repeal part of the act, entitled "An act concerning saltpetre caves, and for other purposes."

"An act to locate a seminary in and for the county of Union."

"An act, to amend "An act to establish a board of trustees for the promotion of schools and education in Clark's Grant," approved, January 28, 1824; and

"A joint resolution of the General Assembly, for the benefit of Major John Allison."

Mr. Gregory on leave being granted, introduced a bill for the relief of John D. Stephenson, clerk of the Hamilton circuit court; which was twice read, committed to a committee of the whole Senate, and made the order of the day for to-morrow.

Mr. Johnson on leave being granted, introduced a bill to authorize the agent of the state at Indianapolis, to sell certain lots; which was read, and ordered for second reading to-morrow.

Mr. Stapp on leave being granted, introduced a bill supplemental to an act, entitled "An act defining the duties of recorders, and pointing out the mode of conveying real estate," approved, January 21, 1818; which was read twice, and ordered for third reading to-morrow.

Mr. Stapp now gave notice, that he would on to-morrow, move that the committee of free conference on the bill authorizing the payment of certain monies therein named, be discharged from the farther consideration of said bill.

Mr. Ray, private secretary to the Governor, now delivered the following message from the Governor, to wit:

I am instructed by the Governor to inform the Senate, that he did on yesterday approve and sign—

"An act, to repeal part of the act, entitled "An act concerning saltpetre caves, and for other purposes."

"An act authorizing the appointment of pilots at the Falls of the river Ohio in this state."

"An act to incorporate the Tanner's creek bridge company."

And "a joint resolution of the General Assembly, for the benefit of Major John Allison." Which originated in the Senate.

The engrossed bill authorizing justices of the peace to issue writs of ne exeat, was read a third time, and passed.

Ordered, That Mr. Chambers inform the House of Representatives thereof, and request their concurrence therein.

The engrossed bill from the House of Representatives, to repeal the fifth section of "An act, declaring certain streams public highways, was read a third time, and passed without amendment.

Ordered, That Mr. Farnham inform the House of Representatives thereof.

The engrossed bill supplemental to the act, "for reducing the salary of the agent of the state at Indianapolis," was read a third time. And on the question, shall this bill pass? The yeas and nocs being demanded by Mr. Pennington and another:

Those who voted in the affirmative were,

MESSRS. Chambers, Craig, Givens, Graham, Grass, Gray, Gregory, Johnson, Milroy, Montgomery, Thompson and Ray, pres't—12.

And those who voted in the negative were,

MESSRS. Ewing, Pennington and Stapp—3.

So it was decided in the affirmative—and Mr. Farnham directed to inform the House of Representatives of the passage of said bill, and request their concurrence therein.

The joint resolution relative to George Smith, was read a second time, committed to a committee of the whole Senate, and made the order of the day for to morrow.

Mr. Thornton from the House of Representatives, informed the Senate, that the House of Representatives had passed the engrossed bill from the Senate, to authorize called sessions of the circuit courts; The engrossed bill for the benefit of Charles Crabb, and the engrossed bill from the Senate, to regulate judicial circuits, and fixing the times of holding courts; with some amendments; in which amendments the concurrence of the Senate is requested.

They have also passed bills with the following titles to wit: an engrossed bill to establish a state road from Harmony in the county of Posey, to the Poke Patch in Warrick county; an engrossed bill legalizing the proceedings of the board of commissioners of Vermillion county, for the year eighteen hundred

and twenty-four; and an engrossed bill establishing a state road from Terre-Haute to the western boundary of the state of Indiana, in the direction of Vandalia in the state of Illinois; in which three last mentioned bills, they request the concurrence of the Senate. Also, that the Speaker of the House of Representatives had signed sundry enrolled bills; which bills he now handed to the President of the Senate for his signature—and having been signed by the President of the Senate, they were handed to the committee on enrolled bills, to be laid before the Governor for his approval and signature.

The Senate now proceeded to consider the amendments proposed by the House of Representatives, to the engrossed bill from the Senate, to authorize called sessions of the circuit courts; and the amendments made by the House of Representatives to the bill for the benefit of Charles Crabb; all of which were read, considered and concurred in—and Mr. Farnham instructed to inform the House of Representatives thereof.

The engrossed bill from the House of Representatives, to establish a state road from Terre Haute to the western boundary of the state of Indiana, in the direction to Vandalia in the state of Illinois; the engrossed bill from the House of Representatives, to establish a state road from Harmony in the county of Posey, to the Pokè Patch in Warrick county; and the engrossed bill from the House of Representatives, legalizing the proceedings of the board of commissioners of Vermillion county, for the year eighteen hundred and twenty-four; were severally read a first time—the rule requiring bills to be read on three several days dispensed with, and the said bills severally read a second time, and ordered to a third reading to-morrow.

The engrossed bill authorizing the administrators of John H. Piatt, deceased, to sell and convey all the real estate of said deceased, in the state of Indiana, was read a second time—the rule requiring bills to be read on three several days, dispensed with, and the said bill was read a third time, and passed; and Mr. Gray directed to inform the House of Representatives thereof, and request their concurrence therein.

The Senate now according to order, resolved itself into committee of the whole, on the joint resolution of the General Assembly, on the subject of Fall creek mills:

Mr. Thompson in the chair;

And after some time spent thereon, the committee rose;

Mr. President resumed the chair, and

Mr. Chairman reported the same to the Senate without amendment.

Mr. Ewing then moved to strike out said resolution from the word resolve, and substitute the following: "That it shall be

the duty of each of the different prosecuting attorneys within their several judicial circuits, to enquire of the seminary trustees, into the situation of the leases given for seminary lands and reserved townships, the terms and situation thereof; and when he discovers a breach of contract in any particular, either in regard to the improper waste and destruction of timber, or in any other injurious manner, he is hereby instructed to commence suit against the tenant or tenants, and prosecute the same in such way as may be best calculated to promote the interest of the state, township or county, as the case may be; and it is hereby made the duty of the sheriffs and constables of the respective counties, to aid and assist the prosecuting attorneys in the performance of the duty hereby required." And on the question, shall the said resolution pass? The ayes and noes being demanded by Mr. Ewing and another:

Those who voted in the affirmative were,

MESSRS. Chambers, Ewing, Graham, Grass, Gray, Montgomery and Ray, pres't—7.

And those who voted in the negative were,

MESSRS. Craig, Givens, Gregory, Johnson, Milroy, Pennington, Stapp and Thompson—8.

So it was decided in the negative.

The said resolution was then ordered to be engrossed for third reading to-morrow.

And the Senate adjourned to two o'clock P. M.

2 o'clock, P. M.

Senate assembled.

The Senate now according to order, resolved itself into committee of the whole, on the engrossed bill from the House of Representatives, authorizing the docketing with the clerks of the circuit courts, transcripts of judgments obtained before justices of the peace in certain cases:

Mr. Milroy in the chair;

And after some time spent thereon, the committee rose;

Mr. President resumed the chair, and

Mr. Chairman reported the same to the Senate without amendment. The said bill was then read a third time. And on the question, shall this bill pass? The ayes and noes being demanded by Messrs. Milroy and Graham:

Those who voted in the affirmative were,

MESSRS. Chambers, Craig, Ewing, Givens, Graham, Grass, Gregory, Johnson and Milroy—9.

And those who voted in the negative were,

MESSRS. Gray, Montgomery, Pennington, Stapp, Thompson and Ray, pres't—6.

So it was decided in the affirmative; and Mr. Milroy was directed to inform the House of Representatives of the passage of said bill without amendment.

The Senate now, according to order, resolved itself into committee of the whole, on the bill to repeal a part of the act, entitled "An act authorizing the laying off certain state roads in this state, and appropriating one hundred thousand dollars of the fund commonly called the three per cent. fund, for opening said roads," approved, December 31, 1821:

Mr. Grass in the chair;

And after some time spent thereon, the committee rose;

Mr. President resumed the chair, and

Mr. Chairman reported the bill to the Senate with an amendment; in which he requested the concurrence of the Senate—and the said amendments, which were in the words following, to wit: The act, entitled "An act authorizing the laying out certain state roads in this state, and appropriating one hundred thousand dollars of the three per cent. fund for opening said roads," approved, December 31, 1821, be, and the same is hereby repealed; except so far as contracts have already been entered into, for the appropriation of the money thereby appropriated, and so much thereof as has already been assessed for damages or otherwise—and the agent of the three per cent. fund be, and he is hereby directed to draw a sufficient sum from the United States, to discharge the different sums due on contracts heretofore entered into, or that may be directed to be paid by acts passed subsequent to the passage of the act which is hereby repealed, and no more; and the residue of the sum appropriated by the act aforesaid, shall be and remain subject to the future disposal of the General Assembly," being read—And on the question, will the Senate concur in the amendment made in committee of the whole to said bill? The ayes and noes being demanded by two members:

Those who voted in the affirmative were,

MESSRS. Ewing, Grass, Johnson, Milroy, Pennington, Thompson and Ray, pres't—7.

And those who voted in the negative were,

MESSRS. Chambers, Craig, Givens, Graham, Gray, Gregory, Montgomery and Stapp—8.

So it was decided in the negative.

The said bill was then read a third time, and passed—and Mr. Farnham ordered to inform the House of Representatives thereof, and request their concurrence therein.

Mr. Clendenin now informed the Senate, the House of Re-

presentatives had passed the bill from the Senate, appointing commissioners to re-locate the seat of justice of Lawrence county, with amendments; in which the concurrence of the Senate is requested. And the said amendments being read and considered, were concurred in.

Mr. Thornton from the House of Representatives, informed the Senate, the House of Representatives had passed the engrossed bill from the Senate, appointing commissioners to re-locate the seat of justice of Posey county, without amendment. Also, that they had passed bills with the following titles, to wit: An engrossed bill supplementary to an act, entitled an act concerning the secretary of state;" an engrossed joint resolution proposing an amendment to the constitution of the United States; an engrossed bill for the benefit of mechanics; an engrossed bill to amend the act, entitled "An act providing for the settlement of decedents' estates; an engrossed bill giving to the citizens of the several counties in this state, the right of opening useful streams, and keeping them in repair as public highways; a bill relating to the navigation of the Eastern and Western branches of White river; and a bill for the relief of John Smock; in all of which, they request the concurrence of the Senate.

Mr. Clendenin from the House of Representatives, informed the Senate, that the House of Representatives have concurred in the resolution of the Senate for the appointment of a committee of free conference, to take into consideration, the subject matter of difference existing between the two Houses, relative to the amendments proposed by the Senate, to the bill from the House of Representatives, to authorize the agent of the three per cent. fund to pay over certain moneys therein named; and the House of Representatives have on their part, appointed Messrs. Nelson and Armstrong, a committee in pursuance of said resolution. And

On motion by Mr. Chambers,

Mr. Thompson was added to the committee of free conference on the above subject, in the room of Mr. Rariden, absent with leave; and that Mr. Farnham inform the House of Representatives thereof.

On motion,

The orders of the day were postponed for the present.

When, Mr. Thompson asked and obtained leave to introduce a bill to amend "An act concerning clerks," approved, January 31, 1824; which was twice read, committed to a committee of the whole Senate, and made the order of the day for to-morrow.

Mr. Pennington offered for consideration and adoption, the following resolution, to wit:

Resolved, That whereas it is necessary that the present General Assembly should come to a close as soon as possible: Therefore,

Resolved, That the Senate hereafter will not adjourn until the orders of the day are gone through; and the said resolution being read, was rejected.

The engrossed joint resolution proposing an amendment to the constitution of the United States, and the engrossed bill for the benefit of mechanics, were severally read a first time, and rejected.

The engrossed bill giving to the citizens of the several counties in this state, the right of opening useful streams, and keeping them in repair as public highways; the engrossed bill to amend the act, entitled "An act providing for the settlement of decedents' estates; the engrossed bill supplementary to An act, entitled "An act concerning the secretary of state;" an engrossed bill relating to the navigation of the Eastern and Western branches of White river, and the engrossed bill for the relief of John Smock, were severally read twice, severally committed to committees of the whole Senate, and severally made the order of the day for to-morrow.

And the Senate adjourned to 9 o'clock to-morrow morning.

WEDNESDAY, FEBRUARY 9, 1825.

Senate assembled.

Mr. Stapp from the committee on enrolled bills, now made the following report, to wit:

Mr. President,

The joint committee on enrolled bills, have compared the enrolled with the engrossed bills, of the following titles, to wit:

"An act for the relief of the securities of William H. Moore, late collector for the county of Clark."

"An act attaching part of the county of Warrick to the county of Spencer." And

"An act making an appropriation to open a road from Indianapolis to Fort Wayne."—And find the same truly enrolled.

They have also laid before the Governor, for his approval and signature—

"An act to establish a state library."

"An act, to amend an act, entitled "An act relating to county seminaries," approved, January 31, 1824.

"An act authorizing the printing and distributing the acts, joint resolutions and journals of the present General Assembly." And

"A joint resolution relative to the regiment composed of the counties of Allen and Randolph."

Mr. Gregory from the select committee, to whom had been referred the petition of John Roberts and others, now reported a bill appointing commissioners to locate the seat of justice of Madison county; which was twice read, and ordered to be engrossed and read a third time to-morrow.

Mr. Gregory on leave being granted, introduced a bill to amend an act, entitled "An act for the appointment of trustees to receive deeds for lots or lands given or purchased for the use of schools, meeting houses and masonic lodges," approved, January 7, 1824; and the said bill was twice read, committed to a committee of the whole Senate, and made the order of the day for to-morrow.

Mr. Ewing on leave being granted, introduced a bill supplemental to "An act establishing a county seminary in the county of Knox;" and the said bill was read twice, committed to a committee of the whole Senate, and made the order of the day for to-morrow.

Mr. Thompson from the select committee on the subject, introduced a bill to authorize a change of venue in a certain case therein set forth; and the said bill was read twice, and ordered to be engrossed and read a third time to-morrow.

Mr. Milroy asked, and obtained leave to introduce a joint resolution relative to the disposal of the three per cent. fund; the object of which resolution is, to repeal the law authorizing the laying off certain state roads, and appropriating one hundred thousand dollars of the three per cent. fund for laying out and opening said roads, so far as contracts have not yet been made for opening said roads. The said resolution being read, Mr. Graham moved, that it be postponed indefinitely. And on the question, shall this resolution be postponed indefinitely? The ayes and noes being demanded by two members:

Those who voted in the affirmative were,

MESSRS. Chambers, Craig, Givens, Graham, Gray, Gregory, Montgomery and Stapp—8.

And those who voted in the negative were,

MESSRS. Ewing, Grass, Johnson, Milroy, Pennington, Thompson and Ray, pres't—7.

So it was decided in the affirmative.

Mr. Gregory on leave being granted, introduced a bill abolishing the office of attorney-general; which was read; and on motion, rejected.

On motion,

The Senate now proceeded to consider the amendments made by the House of Representatives, to the bill to amend the act, entitled "An act regulating judicial circuits, and fixing the times of holding courts;" and on motion to concur in said amendments, it was decided in the negative—and Mr. Farnham directed to inform the House of Representatives, that the Senate refuse to concur in the said amendments.

The Senate now on motion, resolved itself into committee of the whole, on the bill to incorporate the town of Charlestown, in Clark county:

Mr. Givens in the chair;

And after some time spent thereon, the committee rose;

Mr. President resumed the chair, and

Mr. Chairman reported the same to the Senate with sundry amendments; which were read and concurred in, and ordered to be engrossed, and with the bill read a third time to-morrow.

On motion by Mr. Johnson,

The Senate now proceeded to re-consider their vote heretofore given, on the passage of the engrossed bill to dissolve the bans of matrimony between Thomas Hight, and Celia his wife; and the question again recurring, shall this bill be indefinitely postponed? It was decided in the negative. The said bill was then read a third time. And on the question, shall this bill pass? The ayes and noes being demanded by two members:

Those who voted in the affirmative were,

MESSRS. Chambers, Craig, Graham, Grass, Gray, Gregory, Johnson, Milroy; Thompson and Ray, pres't—10.

And those who voted in the negative were,

MESSRS. Givens, Montgomery, Pennington and Stapp—4.

So it was decided in the affirmative—and Mr. Graham was directed to inform the House of Representatives thereof, and request their concurrence therein.

The engrossed bill from the House of Representatives, to establish a state road from Terre-Haute, to the western boundary of the state of Indiana, in a direction to Vandalia in the state of Illinois; the engrossed bill from the House of Representatives, legalizing the proceedings of the board of commissioners in Vermillion county, for the year eighteen hundred and twenty-four; the engrossed bill to establish a state road

from Harmony in Posey county, to the Poke Patch in Warrick county; the engrossed bill supplemental to an act, entitled "An act defining the duties of recorders, and pointing out the mode of conveying real estate," approved, January 21, 1818, and the joint resolution of the General Assembly, relative to Fall creek mills, were severally read a third time, and passed—and Mr. Farnham was directed to inform the House of Representatives of the passage of the said bills and resolution, and request their concurrence in the bill and joint resolution last aforesaid.

And the Senate adjourned to 2 o'clock P. M.

2 o'clock, P. M.

Senate assembled.

The joint resolution relative to George Smith, was read a second time, committed to a committee of the whole Senate, and made the order of the day for to-morrow.

The Senate according to order, now resolved itself into committee of the whole, on the bill amendatory of the law, and for the better advancement of justice:

Mr. Milroy in the chair;

And after some time spent thereon, the committee rose;

Mr. President resumed the chair, and

Mr. Chairman reported to the Senate, progress made in said bill, with a request for leave to sit again; which was granted.

Mr. Thornton from the House of Representatives, now informed the Senate, the House of Representatives have passed the engrossed bills from the Senate, legalizing the proceedings of the commissioners in re-locating certain state roads, and authorizing the administrators of the estate of John H. Piatt, deceased, to sell all the real estate of said deceased in the state of Indiana, without amendment—and that they have passed an engrossed bill for the formation of a new county out of the counties of Owen, Sullivan, Vigo and Putnam; in which the concurrence of the Senate is requested. Also, that the Speaker had signed sundry enrolled bills—which bills he now laid before the President of the Senate for his signature; and being signed by the President, were handed to the committee on enrolled bills, to be laid before the Governor for his approval and signature.

Mr. Ewing from the committee on enrolled bills, made the following report, to wit:

The committee on enrolled bills, have compared the enrolled with the engrossed bill entitled, "An act appointing commissioners to re-locate the seat of justice of Lawrence county;" and the enrolled with the engrossed bill entitled, "An act to repeal the fifth section of an act declaring certain streams

therein named, public highways;" and the enrolled with the engrossed bill, entitled "An act authorizing the docketing with the clerks of the circuit courts, transcripts of judgments obtained before justices of the peace in certain cases;" and the enrolled with the engrossed bill, entitled "An act respecting state roads"—And find the same truly enrolled.

The engrossed bill from the House of Representatives, for the formation of a new county out of the counties of Owen, Sullivan, Vigo and Putnam, was read a first time; when a motion was made by Mr. Pennington, to postpone the further consideration of the said bill, until the second Monday in December next; which motion was negatived. The said bill was then read a second time, committed to a committee of the whole Senate, and made the order of the day for to-morrow.

Mr. Pennington now called up the resolution from the House of Representatives, relative to adjourning on Saturday next, 12th inst.; and the said resolution being read, Mr. Pennington offered the following resolution for adoption, to wit:

Resolved, That in conformity with the resolution adopted in the House of Representatives, January 29th, the Senate will adjourn, sine die, on Saturday the 12th instant; and that the House of Representatives be informed of the adoption of this resolution—And on the question, shall this resolution be adopted? The ayes and noes being demanded by two members:

Those who voted in the affirmative were,

MESSRS. Chambers, Craig, Ewing, Givens, Graham, Grass, Johnson, Milroy, Montgomery, Pennington & Ray, pres't—11:

And those who voted in the negative were,

MESSRS. Gray, Gregory, Stapp and Thompson—4.

So it was decided in the affirmative; and Mr. Pennington directed to carry that information to the House of Representatives.

The Senate now according to order, resolved itself into committee of the whole, on the bill incorporating congressional townships, and providing for schools therein:

And after some time spent thereon, the committee rose;

Mr. President resumed the chair, and

Mr. Chairman reported the said bill to the Senate without amendment.

Mr. Johnson then moved to strike out from the said bill, all the amendments made to the said bill, by the committee of education; which motion was negatived—and the said bill, with the amendments, ordered to be engrossed, and with the bill read a third time to-morrow.

The Senate now according to order, resolved itself into committee of the whole, on the bill allowing compensation to the commissioners of the state road from Terre-Haute to Fort Wayne:

Mr. Ewing in the chair;

When after some time spent thereon, the committee rose;

Mr. President resumed the chair, and

Mr. Chairman reported the said bill to the Senate, with an amendment; which was read and concurred in, and the amendment ordered to be engrossed, and with the bill read a third time to-morrow.

The Senate now according to order, resolved itself into committee of the whole, on the bill giving the citizens of the several counties in this state, the right of opening certain useful streams, and keeping them in repair:

Mr. Gregory in the chair;

When after some time spent thereon, the committee rose;

Mr. President resumed the chair, and

Mr. Chairman reported the said bill to the Senate with some amendments; which were read and concurred in, and the said bill indefinitely postponed.

The Senate now according to order, resolved itself into committee of the whole, on the bill for the relief of John D. Stevenson:

Mr. Stapp in the chair;

And after some time spent thereon, the committee rose;

Mr. President resumed the chair, and

Mr. Chairman reported the said bill to the Senate with amendments; which were read and concurred in—and the said bill as amended, ordered to be engrossed and read a third time to-morrow.

The committee of the whole were discharged from the further consideration of the bill for the relief of John Smock—and the said bill was read a third time, and passed; and Mr Farnham was directed to inform the House of Representatives thereof.

The bill for the relief of the citizens of the county of Perry, was taken up, and indefinitely postponed.

The Senate now according to order, resolved itself into committee of the whole, on the bill to amend the act “providing for the settlement of decedents’ estates:”

Mr. Stapp in the chair;

And after some time spent thereon, the committee rose;

Mr. President resumed the chair, and

Mr. Chairman reported the same to the Senate without amendment. The said bill was then read a third time, and

passed—and Mr. Farnham directed to inform the House of Representatives thereof.

The Senate now according to order, resolved itself into committee of the whole, on the bill supplementary to an act, entitled "An act concerning the secretary of state:"

Mr. Pennington in the chair;

And after some time spent thereon, the committee rose;

Mr. President resumed the chair, and

Mr. Chairman reported the same to the Senate without amendment. The bill was then read a third time, and passed; and Mr. Farnham directed to inform the House of Representatives thereof.

The Senate now according to order, resolved itself into committee of the whole, on an act, to amend "An act concerning clerks:"

Mr. Chambers in the chair;

And after some time spent thereon, the committee rose;

Mr. President resumed the chair, and

Mr. Chairman reported the same to the Senate with amendments; which were read and concurred in; and the said bill, with the amendments, ordered to be engrossed and read a third time on to-morrow.

And the Senate adjourned to 9 o'clock to-morrow morning.

THURSDAY, FEBRUARY 10, 1825.

Senate assembled.

Mr. Grass laid before the Senate, the petition of Charles Felts and others, praying the removal of the seat of justice of Dubois county—also, the remonstrance of Joseph M'Mahan and others, against such removal; both of which were read, and referred to a select committee, composed of Messrs. Grass, Givens and Montgomery, to report thereon.

Mr. Grass also laid before the Senate, the petition of James F. Allen and others, praying a part of Daviess county may be attached to the county of Dubois; which was read, and referred to the same select committee, to whom was referred the petition of Charles Felts and others, to report thereon.

Mr. Stapp from the committee on enrolled bills, now made the following report, to wit:

Mr. President,

The joint committee on enrolled bills, have compared the enrolled with the engrossed bill entitled, "An act, supplemen-

tal to an act, entitled "An act declaring Blue river a public highway, and for other purposes"—And find the same truly enrolled.

They have also laid before the Governor, for his approval and signature—

"An act making an appropriation to open a road from Indianapolis to Fort Wayne."

"An act authorizing the docketing with the clerks of the circuit courts, transcripts of judgments obtained before justices of the peace in certain cases."

"An act to repeal the fifth section of "An act declaring certain streams therein named, public highways."

"An act for the relief of the securities of William H. Moore, late collector for the county of Clark."

"An act attaching part of the county of Warrick to the county of Spencer."

"An act, to amend "an act concerning the seminary lands in Gibson and Monroe counties, and for other purposes." And

"A joint resolution of the General Assembly, relative to certain mail routes."

On motion by Mr. Gray,

The Senate proceeded to re-consider their vote heretofore given, postponing indefinitely the bill to amend the act, for regulating and licensing taverns. And the question again recurring, shall this bill be indefinitely postponed? It was decided in the negative. The said bill was then laid on the table.

Mr. Nelson from the House of Representatives, informed the Senate, that the House of Representatives have passed the following resolution:

Resolved, That the House of Representatives insist upon their amendment to an engrossed bill, entitled "An act to regulate judicial circuits, and fixing the times of holding courts"—and have appointed on their part, Messrs. Nelson and Beckes, a committee of free conference.

Mr. Gregory then moved, that the Senate do now recede from so much of their amendment to said bill, as gives to grand and petit-jurors a compensation of fifty cents per day each, payable out of the county treasury. And on the question, will the Senate recede from their said amendment? The ayes and noes being demanded by two members:

Those who voted in the affirmative were,

MESSRS. Givens, Grass, Gregory, Johnson, Montgomery and Stapp—6.

And those who voted in the negative were,

MESSRS. Chambers, Craig, Ewing, Graham, Gray, Milroy, Pennington, Thompson and Ray, pres't—9.

So it was decided in the negative; and Messrs. Thompson and Graham appointed a committee of free conference on the part of the Senate, on said bill—and Mr. Thompson directed to inform the House of Representatives thereof.

Mr. Thornton from the House of Representatives, now informed the Senate, that the House of Representatives had refused to concur in the first and second amendments made by the Senate to the bill incorporating Charlestown in Clark county, and concur in the third amendment made in Senate to said bill. And

On motion,

Messrs. Thompson and Graham were appointed a committee of free conference on the part of the Senate, to confer with a similar committee on the part of the House of Representatives, on the subject matter of disagreement between the two Houses, relative to said bill; and Mr. Farnham directed to inform the House of Representatives thereof.

Mr. Milroy offered for consideration and adoption, the following resolution, to wit:

Resolved, That the Senate will meet the House of Representatives in the Representative Hall, at three o'clock P. M. this day, for the purpose of electing an attorney-general, agreeably to the provision of the act establishing that office, approved, December 31, 1821; and that the House of Representatives be informed of the adoption of this resolution, and a similar one on their part requested—and Mr. Milroy was directed to carry that information.

Mr. Montgomery asked, and obtained leave to introduce a bill supplementary to the act "for opening and repairing public roads and highways;" and the same was read, and ordered to lie on the table.

The bill to amend "An act to regulate and license taverns," was taken up, amended, and the amendments ordered to be engrossed, and with the bill read a third time to-morrow.

Mr. Ewing from the committee on enrolled bills, now made the following report, to wit:

The committee on enrolled bills, have compared the enrolled with the engrossed bill, entitled "An act legalizing the proceedings of the commissioners in re-locating certain state roads," and the enrolled with the engrossed bill, entitled "An act for the benefit of Charles Crabb;" and the enrolled with the engrossed bill entitled "An act authorizing the administrators of the estate of John H. Piatt, deceased, to sell all the real

estate of said deceased, in the state of Indiana"—And find the same truly enrolled.

Mr. Givens now moved the Senate to re-consider their vote postponing until the second Monday in December next, the bill for the formation of a new county out of the county of Vermillion. And on the question, will the Senate re-consider their vote on said bill? It was decided in the negative.

Mr. James M. Ray, private secretary to the Governor, now delivered the following message, to wit:

I am instructed by the Governor to inform the Senate, that he did on yesterday approve and sign—

"An act appointing commissioners to re-locate the seat of justice of Lawrence county."

And that he did on this day approve and sign—

"An act making an appropriation to open a road from Indianapolis to Fort Wayne."

"An act attaching part of the county of Warrick to the county of Spencer."

"An act for the relief of the securities of William H. Moore, late collector for the county of Clark." Which originated in the Senate.

The engrossed bill for the relief of John D. Stevenson, clerk of Hamilton county, and for other purposes; the bill appointing commissioners to locate the seat of justice of Madison county, and the engrossed bill allowing compensation to the commissioners for laying out a state road from Terre-Haute to Fort Wayne, were severally read a third time, and passed—and Mr. Farnham directed to inform the House of Representatives thereof, and request their concurrence therein.

The engrossed bill authorizing a change of venue in certain cases, was read a third time—and on the question, shall this bill pass? It was decided in the negative.

The Senate now according to order, again resolved itself into committee of the whole, on the engrossed bill from the House of Representatives, amendatory of the law, and for the better advancement of justice:

Mr. Grass in the chair:

When after some time spent thereon, the committee rose;

Mr. President resumed the chair, and

Mr. Chairman reported the bill to the Senate with sundry amendments; many of which were concurred in by the Senate, and sundry of the said amendments were rejected.

Mr. Thompson then offered the following section as amendment to said bill, to wit: "That hereafter it shall be the duty of the clerk of each circuit court in this state, within three weeks after the rising of the same, to make out a docket of all the ca-

ses undetermined at the session of his court immediately preceding; and afterwards to docket cases in the order of time in which the writ issued out, or the declaration, always docketing the state cases for the first day of the term." And on the question, shall this amendment be adopted? The ayes and noes being demanded by two members:

Those who voted in the affirmative were,

MESSRS. Chambers, Craig, Pennington, Stapp, Thompson and Ray, pres't—6.

And those who voted in the negative were,

MESSRS. Ewing, Givens, Graham, Grass, Gray, Gregory, Johnson, Milroy and Montgomery—9.

So it was decided in the negative.

Mr. Thompson then moved to amend the said bill, by adding thereto, the following section, to wit: "And whenever hereafter, any writ shall be executed and the declaration filed in any case ten days before the first day of the term of any circuit court, the said case shall stand for trial at that term, whether the writ issued previous to or after the filing of the declaration in such case." And on the question, shall this amendment be adopted? The ayes and noes being demanded by Mr. Thompson and another:

Those who voted in the affirmative were,

MESSRS. Chambers, Craig, Gray, Pennington, Stapp, Thompson and Ray, pres't—7.

And those who voted in the negative were,

MESSRS. Ewing, Givens, Graham, Grass, Gregory, Johnson, Milroy and Montgomery—8.

So it was decided in the negative.

Mr. Thompson then moved further to amend the said bill, by adding thereto, the following, to wit: "Whenever hereafter any action shall be commenced in any circuit court of this state, and the defendant or defendants shall make and file his, her or their affidavit, stating that he, she or they verily believe, that such plaintiff or plaintiffs, have no just cause of action, claim or demand against the said defendant or defendants, and that they have good reason to believe, that said suit is instituted from a disposition to vex, harass or oppress said defendants; and that they do not expect to be able to recover or realize from said plaintiff or plaintiffs, the costs which they will or may recover in said action, the circuit court where such action is pending, shall have power in their discretion, to order such plaintiff or plaintiffs to file security for costs in the same manner

as if said plaintiff or plaintiffs were non-residents." And on the question, shall the said bill be so amended? The ayes and noes being demanded by Mr. Thompson and another:

Those who voted in the affirmative were,

MESSRS. Chambers, Craig, Ewing, Graham, Grass, Gray, Johnson, Pennington, Stapp, Thompson and Ray, pres't—11.

And those who voted in the negative were,

MESSRS. Givens, Gregory, Milroy and Montgomery—4.

So it was decided in the affirmative.

Mr. Craig then offered the following amendment, to wit: "That all debts, dues and demands of whatsoever nature they may be, shall be collected under the law in force applicable thereto at the time said debts, dues and demands were contracted; any usage or custom to the contrary, notwithstanding." And on the question, shall the said bill be so amended? The ayes and noes being demanded by Mr. Craig and another:

Those who voted in the affirmative were,

MESSRS. Craig, Ewing, Gray and Gregory—4.

And those who voted in the negative were,

MESSRS. Chambers, Givens, Graham, Grass, Johnson, Milroy, Montgomery, Pennington, Stapp, Thompson and Ray, pres't—11.

So it was decided in the negative.

Mr. Ewing then offered the following as an amendment to said bill, to wit: "Sec. —. That it shall not hereafter be lawful for any sheriff or other officer, who may serve any writ of capias ad satisfaciendum, as provided in the fourteenth section of the act subjecting real and personal property to execution, approved, January 30, 1824, to administer any oath or oaths required of defendants in custody to induce their discharge; but it shall in all such cases be the duty of the sheriff or other officer as aforesaid, to give reasonable written notice to the plaintiff, or the plaintiff's attorney of record at whose instance the writ issued, of the day, time and place to meet the defendant in custody, and confront him on investigation before some judge or magistrate of the proper county, whose judgment shall be exercised on the propriety of releasing the said defendant, and administering the oath or oaths required for the purpose aforesaid." And on the question, shall this amendment be adopted? The ayes and noes being demanded by Mr. Ewing and another:

Those who voted in the affirmative were,

MESSRS. Craig, Ewing, Givens, Gregory, Johnson, and Milroy—6.

And those who voted in the negative were,

MESSRS. Graham, Grass, Gray, Montgomery, Pennington, Stapp, Thompson and Ray, pres't—8.

So it was decided in the negative.

The said bill was then further amended in some slight details, and the amendments were ordered to be engrossed, and with the bill read a third time to-morrow.

Mr. Thornton from the House of Representatives, informed the Senate, that the House of Representatives have passed bills of the following titles, to wit:

“An act making general appropriations for the year 1825.”

“An act making specific appropriations for the year 1825.”

“An act allowing compensation to Richard Palmer, one of the commissioners appointed to locate the seat of justice of Parke county.”

“An act for the benefit of Benjamin Walker.”

“An act, to amend the act, entitled “An act for opening and repairing public roads and highways.”

“An act giving further powers to the agent of the state at Indianapolis;” and

“A joint resolution disapproving the resolutions of the state of Georgia of the 7th of December 1824;” in all of which bills and joint resolution, they request the concurrence of the Senate.

Mr. Ewing from the joint committee on enrolled bills, now made the following report, to wit:

The committee on enrolled bills, have compared the engrossed with the enrolled bill, entitled “An act, supplementary to an act, entitled “An act concerning the secretary of state;” and the engrossed with the enrolled bill entitled “An act to establish a state road from Harmony in Posey county, to the Polke Patch in Warrick county;” and the engrossed with the enrolled bill, entitled “An act legalizing the proceedings of the board of commissioners of Vermillion county for the year eighteen hundred and twenty-four;” and the engrossed with the enrolled bill, entitled “An act for the relief of John Smock;” and the engrossed with the enrolled bill entitled “An act to establish a state road from Terre-Haute to the western boundary of the state of Indiana, in the direction to Vandalia in the state of Illinois”—And find the same truly enrolled.

The President laid before the Senate, the following communication, to wit:

SECRETARY'S OFFICE,
FEBRUARY 10, 1825. }

The Hon. the President of the Senate:

Permit me to inform the General Assembly, that there are but about eighty copies of the revised code of the last session in this office, and to suggest the propriety of providing for the binding of a sufficient number of copies, to furnish each member of each House of the General Assembly with a copy, at the commencement of each session, to be returned at the end thereof; as also a copy for each of the clerks and secretaries of the General Assembly.

Unless this course be adopted it may safely be predicted, as an unavoidable result, that at the end of another session there will not be an entire volume of that code in this office. Such pamphlet volumes as are delivered out at this office, and not instantly returned, are almost uniformly much defaced—their titlepage, and a part of the index gone in many instances.—This happens unavoidably, it is presumed and believed.

I had understood that this subject would be considered in the Senate, or it would have been the subject of a communication from this office at an earlier period of the present session.

Respectfully,

WM. W. WICK.

Which was read, and ordered to lie on the table.

And the Senate adjourned to two o'clock P. M.

2 o'clock, P. M.

Senate assembled.

The engrossed bill from the House of Representatives, amending "An act incorporating congressional townships, and providing for public schools therein, was read a third time, and passed with amendments; and Mr. Farnham directed to report the same to the House of Representatives, and request their concurrence in the said amendments.

On motion,

The committee of the whole was discharged from the further consideration of the bill to amend the act concerning clerks; and the amendments and bill ordered to be engrossed, and read a third time to-morrow.

The joint resolution from the House of Representatives, disapproving the resolution of the state of Georgia of the seventh of December 1824, on the subject of the abolition of slavery, was taken up, read a first time—when Mr. Ewing moved, that the said resolution be rejected. And on the question, shall

this resolution be rejected? The ayes and noes being demanded by Mr. Ewing and another:

Those who voted in the affirmative were,

MESSRS. Craig, Ewing, Givens, Grass, Gray, Gregory, Johnson, Milroy, Montgomery, Pennington and Ray, pres't—11.

And those who voted in the negative were,

MESSRS. Chambers, Graham, Stapp and Thompson—4.

So it was decided in the affirmative, and the said resolution rejected.

The engrossed bill from the House of Representatives, allowing a compensation to Richard Palmer, one of the commissioners appointed to locate the seat of justice of Parke county, was read twice, and ordered for third reading to-morrow.

The following engrossed bills from the House of Representatives, to wit: the bill giving further powers to the agent of the state at Indianapolis, and for other purposes; the bill for the relief of Benjamin Walker; the bill to amend the act for opening and repairing public roads and highways; the engrossed bill making general appropriations for the year 1825; and the bill making specific appropriations for the year 1825, were severally read twice, severally committed to committees of the whole Senate, and made the several orders of the day for to-morrow.

The Senate now according to order, resolved itself into committee of the whole, on the joint resolution relative to George Smith:

Mr. Johnson in the chair;

And after some time spent thereon; the committee rose;

Mr. President resumed the chair, and

Mr. Chairman reported the same to the Senate with amendments; which were read and concurred in; and the said resolution as amended, ordered to be engrossed, and read a third time to-morrow.

The Senate now according to order, resolved itself into committee of the whole, on the engrossed bill from the House of Representatives, for the formation of a new county out of the counties of Owen, Sullivan, Vigo and Putnam:

Mr. Craig in the chair;

And after some time spent thereon, the committee rose;

Mr. President resumed the chair, and

Mr. Chairman reported the same to the Senate with some amendments; which were read and concurred in, and the said bill as amended, ordered to be read a third time to-morrow.

Mr. Thornton from the House of Representatives, now informed the Senate, the Speaker of that House had signed sun-

dry enrolled bills; which bills he now laid before the President for his signature—and the same being signed by the President of the Senate, were handed to the committee on enrolled bills, to be laid before the Governor for his approval and signature.

The Senate, on motion, now resolved itself into committee of the whole, on the bill to amend an act, entitled "An act for the appointment of trustees to receive deeds for lots or lands, given or purchased for the use of schools, meeting houses and masonic lodges," approved, January 7, 1824:

Mr. Pennington in the chair;

And after some time spent thereon, the committee rose;

Mr. President resumed the chair, and

Mr. Chairman reported the same to the Senate with an amendment made therein; which was by striking out the said bill from the enacting clause—which was considered and concurred in, and the further consideration of the said bill postponed indefinitely.

The bill relating to the navigation of the Eastern and Western branches of White river, was postponed until to-morrow morning.

The committee of the whole was, on motion, discharged from the further consideration of the bill supplementary to the act "establishing a seminary in the county of Knox;" and the same was read a third time, and passed—and Mr. Ewing instructed to inform the House of Representatives thereof, and request their concurrence therein.

Mr. Graham laid before the Senate, the memorial of Daniel J. Caswell; which was read, and ordered to lie on the table.

Mr. Thornton from the House of Representatives, informed the Senate, that the House of Representatives had passed the four following bills from the Senate, without amendment, viz:

"An act for the relief of John D. Stevenson, clerk of the Hamilton circuit court, and for other purposes."

"An act to incorporate the town of Charlestown in Clark county."

"An act appointing commissioners to locate the seat of justice of Madison county."

"An act allowing compensation to the commissioners of the state road leading from Terre-Haute to Fort Wayne."

On motion by Mr. Stapp,

The committee of free conference were discharged from the further consideration of the bill to authorize the agent of the three per cent. fund to pay over certain moneys therein named. And

On motion,

The Senate recessed from their amendments to said bill.

AYES—MESSRS. Chambers, Craig, Givens, Graham, Grass, Gray, Gregory, Montgomery, Pennington, Stapp and Ray, pres't—11.

NOES—MESSRS. Ewing, Johnson and Thompson—3.

And Mr. Farnham was instructed to inform the House of Representatives that the Senate have receded from their amendments to said bill.

And the Senate adjourned to 9 o'clock to-morrow morning.

FRIDAY, FEBRUARY 11, 1825.

Senate assembled.

Mr. Thornton from the House of Representatives, now delivered the following message to the Senate, to wit:

Mr. President,

The House of Representatives have indefinitely postponed bills from the Senate, of the following titles, to wit:

"An act making a donation of certain squares in the town of Indianapolis."

"An act requiring certain persons to give notice of petitions presented to the General Assembly."

"An act, supplemental to "an act to reduce the salary of the agent of the state at Indianapolis."

"An act in addition to the several acts incorporating towns."

"An act, supplemental to an act, entitled "An act declaring certain streams therein named, public highways," approved, January 26, 1824." And

"An act to authorize a change of venue in a certain case."

They have rejected bills from this House of the following titles:

"An act to dissolve the banns of matrimony between Thomas Hight, and Celia his wife."

"An act providing for an alteration in the state road leading from Lawrenceburgh to Indianapolis."

"An act providing for the refunding of fines in certain cases."

"An act to authorize Jacob Caylor to dig a mill-race through a reserved quarter section, and erect a dam on part thereof."

And "An act, to repeal a part of the act, entitled "An act authorizing the laying off certain state roads in this state, and appropriating one hundred thousand dollars of the fund commonly called the three per cent. fund for opening said roads," approved, December 31, 1821.

They have postponed until the first Monday in December next, the engrossed bill from the Senate, entitled "An act establishing certain state roads therein named."

They have passed bills from the Senate of the following titles, to wit:

"An act authorizing justices of the peace to issue writs of ne exeat."

"An act, supplemental to an act, entitled "An act defining the duties of recorders, and pointing out the mode of conveying real estate," approved, January 20, 1818. And

"A joint resolution of the General Assembly, relative to Fall creek mills." Which last mentioned bills were passed without amendment.

They have passed bills of the following titles, to wit:

"An act, to amend "An act for assessing and collecting the revenue."

"An act to provide for the better improvement of the state road from Rushville to Indianapolis."

"An act to authorize the re-location of a certain state road therein named. In which three last mentioned bills, they request the concurrence of the Senate.

The engrossed bill from the House of Representatives, to provide for the better improvement of the state road from Rushville to Indianapolis, was read a first time—when Mr. Johnson moved to reject the said bill. And on the question, shall this bill be rejected? It was decided in the affirmative.

The engrossed bill from the House of Representatives, authorizing the re-location of a certain state road therein named, was read a first and second time, and laid on the table.

The engrossed bill from the House of Representatives, to amend "An act for assessing and collecting the revenue," was read a first and second time, committed to a committee of the whole Senate for this day.

Mr. Thornton from the House of Representatives, now delivered the following message from that House, to wit:

Mr. President,

The House of Representatives have received official information, that the Governor did, on the 28th ultimo approve and sign—

"An act for the relief of collectors of the state revenue for the year 1824.

And that he did on the 3d of this inst. approve and sign—

"A joint resolution disapproving the amendment proposed by the state of Georgia to the constitution of the United States, on the subject of the ingress of people of colour into the several states of the Union."

"An act, to amend an "act to establish a board of trustees for the promotion of schools and education in Clark's Grant."

"An act for the relief of certain persons therein named."

"An act, amending the act establishing a county treasurer."

"An act to provide for taking the enumeration of the free white male inhabitants above the age of twenty-one years."

"An act to attach part of the county of Pike to the county of Gibson."

"An act to provide for the appointment of a separate commissioner for that part of the state road leading from Mauk's ferry to Indianapolis, which lies between the town of Franklin and Indianapolis."

"An act, to repeal the third section of the special act, entitled "An act authorizing the review of a certain state road therein named, and for other purposes."

Also, that he did on the 7th inst. approve and sign—

"An act for the relief of certain persons therein named."

"A joint resolution respecting the gradual emancipation of slaves, and colonization of people of colour."

"An act to provide for the payment of certain claims, allowed by the circuit court of Sullivan county."

"An act legalizing the proceedings of the courts doing county business in the counties of Marion, Hamilton and Allen."

"An act to provide for a change of venue in a certain case therein named."

"An act relating to the state road leading from Bethlehem to Columbus."

"An act, to amend the act, entitled "An act regulating the taking up of animals going astray, and water craft and other articles of value adrift."

"An act for the relief of the securities of the late sheriff of Floyd county."

"An act, to amend the act, entitled "An act for the incorporation of county libraries," approved, January 28, 1824."

"An act to locate a seminary in and for the county of Union."

"An act authorizing the administrator and administratrix of the estate of Thomas Osborn, deceased, to complete a conveyance of certain lands therein named."

"An act to incorporate the several townships in the county of Dearborn."

And that he did on the 10th inst. approve and sign—

"An act authorizing the docketing with the clerks of the circuit courts, transcripts of judgments obtained before justices of the peace in certain cases."

"A joint resolution relative to the regiment composed of the counties of Allen and Randolph."

"An act, to repeal the fifth section of "An act declaring certain streams therein named, public highways."

"An act, to amend an act, entitled "An act relating to county seminaries," approved, January 31, 1824.

"An act, to amend "an act concerning the seminary lands in Gibson and Monroe counties, and for other purposes." And

"An act authorizing the printing and distributing the acts, joint resolutions and journals of the present General Assembly." And they have passed a bill to amend the act relative to county boundaries, approved, January 31, 1824; in which last mentioned bill, they desire the concurrence of the Senate.

Mr. Jackson from the House of Representatives, now informed the Senate, that the House of Representatives have passed an engrossed bill from the Senate, entitled "An act, supplemental to "an act establishing a county seminary in the county of Knox," without amendment.

Mr. Hillis from the House of Representatives, now informed the Senate, that the House of Representatives have concurred in the amendments made by the Senate to "An act, to amend an act, entitled "An act incorporating congressional townships and providing for public schools therein," approved, January 31, 1824.

Mr. Stapp laid before the Senate, the petition of Henry Bradley and Elizabeth Newland, praying certain relief therein named; which was read, and referred to the same committee of the whole Senate, to whom the bill on granting further powers to the agent of the state had been committed.

The engrossed bill from the House of Representatives, to amend "An act relative to county boundaries," was read, the rule requiring bills to be read on three several days dispensed with, and the said bill read a second and third time, and passed without amendment; and Mr. Farnham directed to inform the House of Representatives thereof.

On motion by Mr. Graham,

The memorial of Daniel J. Caswell was taken up, and read; when Mr. Graham then offered for adoption, a joint resolution of the General Assembly, relative to said memorial; which was twice read, and ordered to be engrossed for third reading this day.

Mr. Richardson from the House of Representatives, now informed the Senate, that the House of Representatives have passed an engrossed bill to incorporate medical societies, for the purpose of regulating the practice of physic and surgery in this state; in which they request the concurrence of the Senate. And the said bill was read twice, committed to a committee of the whole Senate, and made the order for this day.

Mr. Stapp from the committee on enrolled bills, made the following report:

Mr. President,

The joint committee on enrolled bills, have laid before the Governor for his approval and signature—

“An act respecting state roads.”

“An act to establish a state road from Harmony in Posey county, to the Polke Patch in Warrick county.”

“An act, supplemental to an act, entitled “An act declaring Blue river a public highway, and for other purposes.”

“An act, to amend the act, entitled “An act providing for the settlement of decedents’ estates.”

“An act to establish a state road from Terre-Haute to the western boundary of the state of Indiana, in the direction to Vandalia in the state of Illinois.”

“An act, supplementary to an act, entitled “An act concerning the secretary of state.”

“An act legalizing the proceedings of the commissioners in re-locating certain state roads.”

“An act for the benefit of Charles Crabb.”

“An act authorizing the administrators of John H. Piatt, to sell all the real estate of the deceased in the state of Indiana.”

“An act legalizing the proceedings of the board of commissioners of Vermillion county, for the year 1824.” And

“An act for the relief of John Smock.”

The engrossed joint resolution of the General Assembly, relative to certain collectors, was read a third time, and passed; and Mr. Farnham ordered to inform the House of Representatives thereof, and request their concurrence therein.

Mr. Johnson asked, and obtained leave to lay before the Senate, a joint resolution for the relief of Thomas Carter; which was twice read, and referred to the same committee of the whole, to whom was committed the bill relative to the agent of state.

Mr. Ewing from the select committee on the subject, now made the following report:

That they have had the subject under consideration, and heartily responding to the sentiments expressed by his Excellency, that “it is impossible to estimate too highly the importance of the object alluded to,” have given the subject all the attention which a press of business, and various legislative duties would permit.

Your committee cannot but view with deep and lively interest, the great and magnanimous efforts already made, and which are still making throughout the Union, to accomplish a general and permanent system of internal improvements. The

statesmen and philosophers of the age, have exerted their best faculties to establish the theory and the practicability of this system, combating in their progress, ignorance and prejudice, timidity and heedlessness, in all variety of forms. They have moved fearlessly on, demonstrating by successful experiment its importance and advantages. Nor are these patriotic efforts stationary, or confined to any one section of country. The scintillations of those mighty geniuses, like "the day spring from on high," have visited every hemisphere, and the benign influence will continue to unfold and expand the beauties of a God of nature, and the mysteries of political economy, until the *Danube*, like the *Nile*, the *Mississippi* like the *Thames*, and the *Wabash* like the *Hudson*, shall exhibit one great theatre of splendid and successful exertion. It is believed by your committee that no part of the Union has a greater interest at stake in the final success and accomplishment of this system, than the state of Indiana; and that greater facilities for, or prospective advantages from internal improvements, are no where to be found. The situation and extent of her territory, the salubrity of her climate, the fertility of her soil, the variety of her productions, and her rapidly increasing population and resources, afford indications of future greatness, if a wise and judicious policy be pursued—a policy which shall be calculated to develope those natural resources in their fullest extent, to facilitate the means of transportation, so that her various productions shall find a safe and steady market. The prudent adoption of such a policy, it is firmly believed, will soon banish all the wants and embarrassments which at this time prevail too generally, and which have been mainly occasioned by its neglect. It will more advantageously benefit and exalt the vital interests of the state, and of generations yet unborn, and will afford more general and permanent relief from the pressure of the present times, and more encouragement to emigration and enterprize, improvement and confidence, than all the fictitious show of transitory enactments to affect contracts, or law, can ever accomplish.

Our state contains an area of twenty-two millions of acres of arable land, and with no greater population than at present inhabits the rocky and mountainous state of Connecticut, is capable of sustaining two millions and a half of people; and that too with comparatively moderate labour. In proportion to the facilities afforded to emigrants, and the facilities of transportation of the surplus produce of the country, will our population and wealth increase; and those who reflect upon the situation of the country thirty years ago, and compare it with its present prospects, have much to hope, and little to fear, unless our

infant energies be forever paralyzed by a fluctuating and doubtful policy. Your committee know that there are many points of the state where a system of internal improvements and domestic industry, may be encouraged with a certain prospect of success, and where manufacturing and commercial capital may be accumulated to an incalculable extent, if this system shall be encouraged; but in the opinion of your committee, the improvement of the navigation of the river Wabash, is an object of the greatest importance, and the two White rivers emptying into the Wabash, should next to that stream be appreciated.—By glancing at the map of the state, no additional elucidation on that point can be thought necessary.

The expenditure to effect the purpose, will circulate in our own state; and there are but few obstructions in either of the important streams which cannot be readily removed. The Wabash being the first and great object, passing hundreds of miles near to the centre of the state, will occupy the chief attention at this time. From the mouth of that river, to the portage on the summit level of a contemplated canal to connect its waters with Lake Erie, by a route near Fort Wayne, is a distance of three hundred and thirty miles, taking the general course of the river, disregarding the innumerable windings; and those windings taken into consideration, is not less than six hundred. This river passes through an immense body of rich land, and includes with the state of Indiana, a part of Illinois. Admitting, for a moment, that its benefits were confined exclusively to a tract of country not exceeding forty miles on each side of the river and a contemplated canal, it will afford a convenient outlet for the products of sixteen millions of acres of the most fertile land in the Union, and that portion of country will be capable of sustaining a population of at least a million and a half of people. Where the canal shall be opened to unite the Wabash and Maumee of the Lakes, the line of navigable water will be immense; and this stream must necessarily become a great thoroughfare for the immense emigration and commerce of the eastern and northern states, and markets through the lakes, by way of the Great Canal of New-York, as being the nearest possible route to ourselves, as well as a part of the inhabitants of Kentucky—and to the states of Illinois, Missouri, Tennessee, Mississippi, Louisiana, and the territories lying to the north and west, advancing to the Pacific Ocean. By the trade of the states alluded to, our revenue will materially benefit as well as the country at large, so soon as the contemplated work be accomplished—and as our sister states of Ohio, Pennsylvania, Maryland and Virginia, are now busily engaged in undertakings of a similar nature, by which a large porpor-

tion of the present descending trade of the river Ohio will obviously be diverted to eastern markets, the policy and wisdom of directing the undivided energies of our state to this enterprise, cannot be questioned. Surely then we will not hesitate, or doubt the wisdom of commencing this great work by taking preparatory steps.

Your committee are well aware that some difficulties exist as to the immediate accomplishment of this grand design. A part of the country through which the route of a canal must be located, is within the Indian country, and these aborigines are lords of the soil; but your committee have every confidence that the general government upon proper application, will forthwith by treaty, extinguish the Indian title, that the work may no longer be delayed; and they feel bound to believe that Congress will yet donate the townships, or at least the sections of land through which the contemplated canal route shall be located to pass. To foster and protect the interests of every section of our state, and to connect them by ties of a common industry and mutual exchanges, aided by unobstructed rivers and navigable canals, seems to require resources beyond our own means, and to demand the considerate and efficient exertions of our delegation in the Congress of the United States.—'Tis happily a benificent attribute of the general power, exercised for the general good, to grant the aid we so much require, and if the subject has never been thoroughly investigated in regard to our wants—'tis ourselves we have to blame or those who represent us. Your committee are confident that the increased value of the public lands in the neighbourhood; together with the national advantages to accrue from the work, will more than compensate for such donation. Should the property of the United States and her agents at all times, be allowed to pass the canals toll free, it will lessen the expense of transporting troops and munitions of war to the western posts, and surely present an additional inducement to aid the state by such donation. It is believed commissioners should be appointed to examine, survey, and mark the most eligible route for such connecting canal; as it will cause the land to be reserved from sale, and enable a future legislative body to ascertain the expense. The commissioners can descend the river from the ascertained junction of the canal, to that point where the state of Illinois becomes a party, and note, as they will no doubt be authorized to do, all the obstructions to navigation, their situation and extent, in their report; by which the expense to be incurred, and the difficulties to be overcome, can be truly estimated. From that point where the state of Illinois becomes interested, a map and a report has been heretofore procured of

all obstructions to the junction of the Ohio—some of the calculations of which as regards the relative expense of canalling on our side, and on that of Illinois, are found to be incorrect. In one instance a mistake of thirty thousand dollars has occurred, as will appear by reference to the report of said commissioners. [See appendix C.] It is unnecessary for your committee at this time to give any opinion upon which side of the river the contemplated canals should be located at the rapids below Vincennes, as that will be a matter to be investigated by the commissioners who will be appointed by each state, if the plan of improvement now to be suggested shall be approved.

Your committee, so soon as the proper estimates can be formed, would recommend the creation and sale of stock to an amount of one half the contemplated expense of removing the obstructions in the river, and completing the canals on that side which shall be approved of by the commissioners of each state, so as to secure a certain and permanent navigation below where it ceases to be the boundary line of Illinois and Indiana; for the redemption of which stock the faith of the state shall be pledged; and so soon as the state of Illinois shall give her assent, and notify the state of Indiana that she has provided the necessary funds on her part, the commissioners shall be authorized to take possession of so much land upon each side of the different falls of the river, as may appear to be necessary for the canal, and for such water privileges as shall be deemed proper and convenient for the advantage of the said states; in lieu of which, an equivalent shall be paid to the owners of the land, thus entered upon; and so soon as the preliminaries shall be agreed upon by the two states, the commissioners shall employ such engineers and assistants, as may be necessary to progress with the work, until its final completion. Your committee have had referred to them, an act, entitled "An act to incorporate the Wabash navigation company," adopted by the Legislature of Illinois, transmitted here for our concurrence, and are extremely gratified that the subject has been considered by that state, as they have every confidence that her enlightened and patriotic representatives, and functionaries, will co-operate in every measure which shall be clearly calculated to advance the common interest of both. But your committee must here disapprove of committing such an important matter as the navigation of the Wabash to the discretionary powers of any corporation, more particularly as the plan, they believe, would be in the end unsuccessful unless the faith of the state stands pledged, and more time elapse before the necessary work be completed than the best interest of either state can permit.—It is believed that canals around the rapids, of the contemplat-

ed capacity, will furnish a surplus of water for hydraulic purposes of infinite importance, and immense value to the manufacturing interests of both states. With a fall of fifteen feet six inches, (the amount estimated by the commissioners heretofore appointed on that portion,) a wheel of more than fifteen feet diameter can be used, and three hundred cubic feet of water per minute, is sufficient for two pair of millstones of the diameter of four and a half feet. So that twenty thousand cubic feet per minute, (which may be spared from the canal if necessary,) will propel sixty-six pair of stones, or any other machinery requiring the same power. The act of incorporation referred to gives no authority to enter upon lands but for the purposes of canal navigation, which, in the opinion of your committee, would inevitably lead to a sacrifice of the important sources of revenue, so justly expected from the water power just noticed, a sacrifice of benefits too important to be overlooked under any circumstances. Again, all experience in the western country, points to the necessity of each state joining in their sovereign capacity for the advancement of all great undertakings—and your committee hope the improvement of the Wabash, or at least, the canal to connect it with the lakes, will yet have national aid, under auspices of that glorious system of internal improvement already commenced by the general government. Your committee decidedly approve of the plan they have suggested in preference to any act of incorporation, and they sincerely lament that the legislature of Illinois will not again be in session until the year 1826—but the preparatory steps on the part of this state, for affecting the object in all its parts, may require time for its perfect arrangement, and our adoption and progress, will no doubt point out a clear path for the state of Illinois, if not remove many difficulties she might otherwise have to encounter. The annexed letters marked A. and B. from gentlemen whose knowledge was sought for, have been received by our chairman. To such, (if any there be,) as may for want of accurate information, doubt of the practicability of the grand completion of the glorious work contemplated, they are unquestionably important, and with that view submitted. With these hasty remarks, your committee submit for adoption, the following resolutions:

Resolved, That the improvement of the navigation of our rivers, and the connection of the Wabash with the lakes are matters of primary importance to the future advancement and prosperity of the state of Indiana, and should be commenced as soon as practicable, and prosecuted under state auspices and direction, for the benefit of the state.

Resolved, That the plan adopted by the state of Illinois to

improve the navigation of the river Wabash, by their act entitled "An act to incorporate the Wabash navigation company," cannot be assented to on the part of the state of Indiana, and that the plan suggested in this report, be and the same is hereby approved.

Resolved, That our Senators in Congress be instructed, and our Representatives requested to use all possible endeavour to obtain from the government of the United States for this state, a grant of the sections of land through which the contemplated canal to connect the river Wabash with the Maumee of Lake Erie shall pass; also a similar grant of the sections through which a feeder for said canal will pass to the river St. Joseph's.

Resolved, That his Excellency, the President of the United States be, and he is hereby requested to take such steps for the extinguishment of the Indian title to any part of the land now claimed by them, on the margin of the Wabash river, as he may deem best calculated to accomplish the desired object as soon as possible.

Resolved, That copies of the foregoing preamble and resolutions, be transmitted by the Governor of Indiana, to his Excellency, the President of the United States, to the Governor of the state of Illinois, and to each of our Senators in Congress.

APPENDIX.

A.

Indianapolis, January 31, 1825.

SIR—In compliance with your request, I give you the information I possess on the subject of uniting the waters of the Lake with those of the Wabash.

The distance on the portage line between the St. Mary's and the head of navigation on Little River, is 5 3-4 miles, through a wet prairie. The greatest elevation does not exceed 14 feet; there are two creeks running through said prairie, entering from the north; one of which runs into Little River, and the other into the St. Mary's; and when the rivers named could be navigated, there is then a sufficiency of water in the prairie to supply a feeder.

The length of the feeder to be taken from the St. Joseph's, would be about 8 miles; the depth on the high grounds between the St. Joseph's and Little River, would be about 40 feet—there would be four creeks to cross on the route. There can be no apprehension of any lack of water in the feeder if taken from the St. Joseph's.

But in order that the contemplated canal may more completely answer the purpose intended, it ought to commence at the junction of the St. Mary's and St. Joseph's, and continue to the junction of the Wabash and Little River, the distance would be between 25 and 30 miles; in that case, the feeder from St. Joseph's would be about 7 miles.

The reason why the last mentioned route would be best, is that the St. Mary's affords but little water in some seasons of the year; indeed not a sufficiency to float a canoe. Little River is a deep sluggish stream, but near the mouth there is a rapid in which there are many rocks, and the navigation difficult, even at a common stage of water.

I am your's, &c.

B. J. BLYTHE.

The Hon. JOHN EWING.

B.

SIR—We believe that a canal to connect the waters of the Wabash and Maumee is perfectly practicable; its length will be about twenty-five miles—the country level, part of the soil sandy, though susceptible of the object. The St. Joseph's river can be brought on the summit level, and will probably afford a supply of water for a feeder at all seasons.

JOHN TIPTON,
ANTHONY L. DAVIS,
BENJ. B. KERCHEVAL.

Hon. JOHN EWING.

C.

Supposing the canal to be 13,305 yards long, 21 feet wide, 13 1-2 feet deep, it would produce 434,857, 5 cubic yards, in place of 427,955, as reported by the commissioners; and would cost at 10 cents a yard cubic, \$43,485 75; in place of \$42,955 50, as reported.

SECOND ROUTE CONTEMPLATED.

Distance, 11,484 yards, same width and depth as before will produce 361,746 cubic yards, at 10 cents as before, will amount to \$36,174 60 cents, in place of \$66,364 80 cents, as reported by the commissioners.

Which was read and concurred in; and 500 copies thereof ordered to be printed for the use of the members, in addition to the copies printed with these journals.

Mr. Ray from the House of Representatives, informed the Senate, that the House of Representatives had passed the engrossed bill from the Senate, attaching part of the county of

Delaware to the county of Marion, with an amendment; which was now read and concurred in.

Mr. Ray also delivered the following message from the Governor, to wit:

I am instructed by the Governor to inform the Senate, that he did on this day approve and sign—

“An act for the benefit of Charles Crabb.”

“An act authorizing the administrators of John H. Piatt, to sell all the real estate of the deceased in the state of Indiana.”

“An act legalizing the proceedings of the commissioners in re-locating certain state roads.” And

“An act, supplemental to an act, entitled “An act declaring Blue river a public highway, and for other purposes.” All of which originated in the Senate.

The engrossed bill to amend the act to license and regulate taverns, as amended, was read a third time, and passed—and Mr. Farnham instructed to inform the House of Representatives thereof, and request their concurrence in said amendments.

The joint resolution of the General Assembly, relative to George Smith, was read a third time. And on the question, shall this resolution pass? The ayes and noes being demanded by two members:

Those who voted in the affirmative were,

MESSRS. Chambers, Craig, Ewing, Grass, Gregory, Stapp, Thompson and Ray, pres’t—8.

And those who voted in the negative were,

MESSRS. Givens, Graham, Gray, Johnson, Montgomery and Pennington—6.

So it was decided in the affirmative; and Mr. Farnham directed to inform the House of Representatives thereof, and request their concurrence therein.

Mr. Thompson from the joint committee of free conference, on the subject matter of disagreement between the two Houses relative to the bill fixing judicial circuits, and altering the times of holding courts therein, now reported, that the said committee had agreed to substitute a new section in lieu of the second section of said bill; and had agreed that the House of Representatives recede from their disagreement to the eighth and ninth amendment, made by the Senate to said bill. And the said report being read at full length, and considered. And on the question, shall this report be concurred in? The ayes and noes being demanded by two members:

Those who voted in the affirmative were,

MESSRS. Graham, Grass, Gregory, Johnson, Pennington, Thompson and Ray, pres't—7.

And those who voted in the negative were,

MESSRS. Chambers, Craig, Givens, Gregory, Montgomery and Stapp—6.

So it was decided in the affirmative; and Mr. Farnham instructed to inform the House of Representatives thereof.

Mr. Thompson from the committee of free conference on the subject, now made the following report, to wit:

The committee of free conference, appointed to take into consideration, the matter of difference between the two Houses, on the subject of the first and second amendments made by the Senate to the engrossed bill from the House of Representatives, to incorporate the town of Charlestown in Clark county, have taken into consideration the matters of difference, and have agreed to insert the name of John Carr, in place of the name of Andrew P. Hay; and that the Senate will recede from the amendment of striking out the name of James C. Caldwell, and inserting that of John Garner—and as to the second amendment to said bill, have agreed to insert two-third per centum, in lieu of the one per centum stricken out by the Senate—and that the House concurred in the amendment made by the Senate to said bill. And the said report was read, and concurred in; and Mr. Farnham directed to inform the House of Representatives thereof.

Mr. Nelson from the House of Representatives, now made the following report to the Senate, to wit:

Mr. President,

The House of Representatives have concurred in the report of the committee of free conference, on the engrossed bill, entitled "An act to amend the act to regulate judicial circuits, and fixing the times of holding courts."

The engrossed bill for the formation of a new county out of the counties of Owen, Sullivan, Vigo and Putnam, was read a third time. And on the question, shall this bill pass? The ayes and noes being demanded by two members:

Those who voted in the affirmative were,

MESSRS. Chambers, Ewing, Givens, Grass, Gray, Gregory, Stapp, Thompson and Ray, pres't—9.

And those who voted in the negative were,

MESSRS. Craig, Graham, Johnson, Montgomery and Pennington—5.

So it was decided in the affirmative; and Mr. Farnham was directed to inform the House of Representatives thereof.

Mr. Stapp from the joint committee on enrolled bills, now made the following report, to wit:

Mr. President,

The joint committee on enrolled bills, have compared the enrolled with the engrossed bills of the following titles, to wit:

"An act appointing commissioners to re-locate the seat of justice of Posey county, and for other purposes."

"An act to authorize called sessions of the circuit courts."

"An act appointing commissioners to locate the seat of justice of Madison county—And find the same truly enrolled."

The engrossed bill to re-locate a certain state road therein named, was amended, read a third time and passed—and Mr. Farnham directed to inform the House of Representatives thereof, and request their concurrence in said amendment.

The engrossed bill from the House of Representatives, allowing compensation to Richard Palmer, one of the commissioners for re-locating a state road from Terre-Haute to Fort Wayne, was read a third time, and passed without amendment; and Mr. Farnham directed to inform the House of Representatives thereof.

The engrossed bill to amend "An act concerning clerks," was read a third time, and passed as amended; and Mr. Farnham was directed to inform the House of Representatives thereof, and request their concurrence therein.

The engrossed bill from the House of Representatives amendatory of the law, and for the better advancement of justice, as amended, was read a third time. And on the question, shall this bill pass? The ayes and noes being demanded by two members:

Those who voted in the affirmative were,

MESSRS. Givens, Gregory, Johnson, Montgomery, Stapp, Thompson and Ray, pres't—7.

And those who voted in the negative were,

MESSRS. Chambers, Craig, Ewing, Graham, Grass, Gray and Pennington—7.

So the Senate being equally divided, the bill did not pass. And the Senate adjourned to two o'clock P. M.

2 o'clock, P. M.

Senate assembled.

On motion by Mr. Pennington,

The engrossed bill relating to the navigation of the Eastern

and Western branches of White River, was postponed to the second Monday in December next.

The Senate now according to order, resolved itself into committee of the whole, on the engrossed bill making general appropriations for the year 1825:

Mr. Pennington in the chair;

And after some time spent thereon, the committee rose;

Mr. President resumed the chair, and

Mr. Chairman reported the same to the Senate without amendment. And the said bill was read a third time, and passed; and Mr. Farnham directed to inform the House of Representatives thereof.

The Senate now according to order, resolved itself into committee of the whole, on the engrossed bill from the House of Representatives, making specific appropriations for the year 1825:

Mr. Montgomery in the chair;

And after some time spent thereon, the committee rose;

Mr. President resumed the chair, and

Mr. Chairman reported the same to the Senate with sundry amendments; which were read, and concurred in—when Mr. Pennington offered the following as an amendment to said bill, to wit: “That John Aydelott be allowed the further sum of fifty dollars, for stationary furnished the last session of the General Assembly and not paid for.” And on the question, shall the said bill be so amended? It was decided in the affirmative; the said amendments ordered to be engrossed, and with the bill read a third time, and passed—and Mr. Farnham directed to inform the House of Representatives thereof, and request their concurrence in said amendments.

The following message was received from the House of Representatives, by Mr. Thornton, their clerk:

Mr. President,

The House of Representatives concur in the amendments made by the Senate, to the engrossed bill from the House of Representatives, entitled “An act to amend the act, entitled “An act to license and regulate taverns.”

They have passed an engrossed bill, entitled “An act, supplemental to the act, entitled “An act subjecting real and personal estate to execution, and for other purposes;” in which they desire the concurrence of the Senate.

They also concur in the report of the joint committee of free conference which has been appointed to confer together on the subject of the disagreeing votes of the two Houses, relative to the first and second amendments proposed by the Senate to the engrossed bill from the House of Representatives, entitled “An

act to incorporate the town of Charlestown, in the county of Clark."

They also unanimously concur in the amendment made by the Senate, to the engrossed bill from the House of Representatives, entitled "An act for the formation of a new county out of the counties of Owen, Sullivan, Vigo and Putnam."

They have rejected the joint resolution from the Senate, entitled "A joint resolution of the General Assembly, relative to George Smith."

The Speaker of the House of Representatives having signed several enrolled bills, I am directed to bring them to the Senate, for the signature of their President.

The House of Representatives have received official information, that the Governor did on this day, approve and sign—

"An act legalizing the proceedings of the board of commissioners of Vermillion county for the year 1824."

"An act for the relief of John Smock."

"An act, supplementary to an act, entitled "An act concerning the secretary of state."

"An act to establish a state road from Terre-Haute to the western boundary of the state of Indiana, in the direction of Vandalia in the state of Illinois."

"An act, to amend the act, entitled "An act providing for the settlement of decedents' estates."

"An act respecting state roads."

"An act to establish a state road from Harmony in Posey county, to the Polke Patch in Warrick county." And

"An act to establish a state library."

All of which originated in the House of Representatives.

The engrossed bill from the House of Representatives, supplemental to the act "subjecting real and personal estate to execution, and for other purposes," was read twice, committed to a committee of the whole Senate, and made the order of the day for this day.

The engrossed bill from the House of Representatives, for the relief of Benjamin Walker, was taken up, the committee of the whole discharged from the further consideration thereof, the said bill read a third time—And on the question, shall this bill pass? It was decided in the negative.

The engrossed bills aforesaid, reported by Mr. Thornton as signed by the Speaker, were now signed by the president, handed over to the committee on enrolled bills, to be laid before the Governor for his approval and signature.

Mr. Thornton from the House of Representatives, now delivered to the Senate the following message:

Mr. President,

The House of Representatives concur in all the amendments proposed by the Senate, to the bill from the House of Representatives making specific appropriations for the year 1825, except the first and the third and fourth; to which they disagree. They have passed the engrossed bill from the Senate, entitled "An act, to amend an act, entitled "An act concerning clerks," approved, January 31, 1824, with amendments.

They have also adopted the joint resolution from the Senate, entitled "A joint resolution of the General Assembly," with an amendment; in which several amendments they desire the concurrence of the Senate.

The Speaker of the House of Representatives having signed one enrolled bill, I am directed to bring the same to the Senate, for the signature of their President—and the said last mentioned bill having been signed by the President, was handed to the committee on enrolled bills, to be laid before the Governor for his approval and signature.

The Senate now according to order, resolved itself into committee of the whole, on the bill to amend the act "for assessing and collecting the revenue:"

Mr. Stapp in the chair;

And after some time spent thereon, the committee rose;

Mr. President resumed the chair, and

Mr. Chairman reported the said bill to the Senate, with progress made in the same, and a request for leave to sit again thereon; which was granted.

Mr. Ewing from the committee on enrolled bills, now made, the following report, to wit:

The joint committee on enrolled bills, have presented to the Governor for his signature, enrolled bills entitled—

"An act to authorize called sessions of the circuit courts."

"An act appointing commissioners to locate the seat of justice of Madison county."

"An act appointing commissioners to re-locate the seat of justice of Posey county, and for other purposes;" and have compared the engrossed with the enrolled bill, entitled "An act authorizing the review of a certain state road therein named"—and have also presented the said last mentioned bill to the Governor for his signature.

And the Senate adjourned to 7 o'clock this evening.

7 o'clock, Friday evening.

Senate assembled.

The Senate again according to order, resolved itself into

committee of the whole, on the bill to amend the act "for assessing and collecting the revenue:"

Mr. Stapp in the chair;

When after some time spent thereon, the committee rose;

Mr. President resumed the chair, and

Mr. Chairman reported the same to the Senate with sundry amendments. And the question of concurrence being taken on the amendments separately, the two first amendments, which were by striking out the first six sections, and the seventh section, were not concurred in. The next nine amendments were then read, and concurred in.

Mr. Graham then moved to strike out so much of said bill as authorizes the assessing and collecting a poll tax for county purposes—And on the question, shall this bill be so amended? The ayes and noes being demanded by two members:

Those who voted in the affirmative were,

MESSRS. Craig, Ewing, Givens, Graham and Stapp—5.

And those who voted in the negative were,

MESSRS. Chambers, Grass, Gray, Gregory, Johnson, Milroy, Montgomery, Pennington, Thompson and Ray, pres't—10.

So it was decided in the negative.

Mr. Ewing then moved to amend the said bill, by striking out the words "polls," and "work oxen," and inserting in lieu thereof, "law libraries of practising attorneys, distillers of spiritous liquors, and drugs and medicines." And on the question, shall this bill be so amended? The ayes and noes being demanded by Mr. Ewing and another:

Those who voted in the affirmative were,

MESSRS. Craig, Ewing, Givens, Graham and Gray—5.

And those who voted in the negative were,

MESSRS. Chambers, Grass, Gregory, Johnson, Milroy, Montgomery, Pennington, Stapp, Thompson and Ray, pres't—10.

So it was decided in the negative.

The said amendments were then engrossed, and with the bill read a third time. And on the question, shall this bill pass? It was decided in the affirmative, and Mr. Farnham directed to inform the House of Representatives thereof, and request their concurrence in said amendments.

The Senate now proceeded to consider the objections made by the House of Representatives, to the amendments made by the Senate to the engrossed bill from the House of Representatives, making specific appropriations for the year 1825.

Whereupon,

Ordered, That the Senate insist on their first amendment made to said bill; and that they also insist on retaining in said bill, the first and sixth items in the third amendment made to said bill, and recede from their fourth amendment made to said bill—and that Mr. Farnham inform the House of Representatives thereof.

The Senate then proceeded to consider the amendments made by the House of Representatives, to the engrossed joint resolution from the Senate, relating to certain collectors; and the amendments made by the House of Representatives to the bill to amend the act, entitled "An act concerning clerks," approved, January 31, 1824; all of which amendments were concurred in, and Mr. Farnham instructed to inform the House of Representatives thereof.

Mr. Thornton from the House of Representatives, now informed the Senate, that the House of Representatives adhere to their disagreement to the first and last items in the third amendment made by the Senate, to the bill from the House of Representatives, entitled "An act making specific appropriations for the year 1825;" and they recede from their disagreement to the first amendment made by the Senate to said bill.

The committee of the whole was discharged from the further consideration of the bill, to amend the act "subjecting real and personal estate to execution—when the said bill being taken up, Mr. Gregory offered an amendment thereto; in lieu of which amendment, Mr. Thompson offered the following substitute, which was accepted by the mover, as follows, to wit:—
Provided, That real estate taken by virtue of any execution issuing on any judgment heretofore or hereafter rendered, shall not be sold unless the same will bring one half of its appraised value, to be ascertained by three respectable freeholders, to be chosen and selected by the officer levying said execution; who shall be sworn by said officer to the faithful discharge of the duties assigned them by this act, and shall receive for their services per day in valuing said real estate, fifty cents each, out of the sale thereof, to be taxed in the cost in said case by said officer. And on the question, shall this amendment be adopted? The ayes and noes being demanded:

Those who voted in the affirmative were,

MESSRS. Craig, Grass, Gregory, Stapp, Thompson and Ray, pres't—6.

And those who voted in the negative were,

MESSRS. Chambers, Ewing, Graham, Gray, Givens, Johnson, Milroy, Montgomery and Pennington—9.

So it was rejected.

Mr. Ewing then offered the following as an amendment to said bill; which was read, as follows, to wit:

Sec. — That it shall not hereafter be lawful for any sheriff or other officer who may serve any writ of *capias ad satisfaciendum*, as provided in the fourteenth and fifteenth sections of the act "subjecting real and personal property to execution," approved, January 30, 1824, to administer certain oaths required by said act, of defendants in custody, to induce their discharge, nor shall hereafter act upon said sections in the manner therein authorized; but it shall in all such cases, first be the duty of such sheriff or other officer as aforesaid, to cause a reasonable notice to be given to the plaintiff, by publishing the same at least for ten days in some newspaper, if there be one in the county, or posting said notice at three different public places therein, one of which shall be at the court-house door; setting forth the day, time and place for the plaintiff or his attorney, to meet the defendant in custody, and confront him on investigation, before some judge or magistrate of the proper county, whose discretionary judgment shall be exercised on the propriety of releasing the said defendant, by administering the oath or oaths required by the act aforesaid for that purpose, and so much of said act as authorizes any sheriff or other officer to administer such oath or oaths, is hereby repealed. And on the question, shall this amendment be adopted? It was decided in the negative.

The said bill was then read a third time—And on the question, shall this bill pass? The ayes and noes being demanded by two members:

Those who voted in the affirmative were,

MESSRS. Chambers, Ewing, Givens, Grass, Milroy, Montgomery, Stapp, Thompson and Ray, pres't—9.

And those who voted in the negative were,

MESSRS. Craig, Graham, Gray, Gregory, Johnson and Pennington—6.

So it was decided in the affirmative, and Mr. Farnham directed to inform the House of Representatives thereof.

Mr. Ewing from the committee on enrolled bills, made the following report, to wit:

The committee on enrolled bills, have compared the enrolled with the engrossed bill, entitled "An act to incorporate the town of Charlestown in Clark county;" the enrolled with the engrossed bill, entitled "An act, to amend an act, entitled "An act incorporating congressional townships, and providing for

public schools therein;" the enrolled with the engrossed bill, entitled "An act to authorize the agent of the three per cent. fund to pay over certain moneys therein named;" and the enrolled with the engrossed bill, entitled "An act, to amend the act, entitled "An act to regulate and license taverns"—And find the same truly enrolled.

The Senate now according to order, resolved itself into committee of the whole, on the bill giving further powers to the agent of State at Indianapolis; and the bill, to amend the act, entitled "An act for opening and repairing public roads and highways:"

Mr. Milroy in the chair;

And after some time spent thereon, the committee rose;

Mr. President resumed the chair, and

Mr. Chairman reported the same to the Senate, with some progress made therein, and a request for leave to sit again—which leave was refused.

The Senate then proceeded to consider their amendments made in the first and last items of their third amendment to the bill from the House of Representatives, making specific appropriations for the year 1825. And

On motion,

The same were adhered to.

And the Senate adjourned to 9 o'clock to-morrow morning.

SATURDAY, FEBRUARY 12, 1825.

Senate assembled.

Mr. Thornton from the House of Representatives, now informed the Senate, that the House of Representatives have concurred in all the amendments made in Senate to the bill from the House of Representatives, to amend "An act for assessing and collecting the revenue," with some amendments thereto; in which amendments they request the concurrence of the Senate.

On motion,

Ordered, That Messrs. Graham and Pennington be a committee of free conference on the subject matter in dispute between the two Houses, relative to the amendments made in Senate to the bill making specific appropriations for the year 1825—and that Mr. Farnham inform the House of Representatives thereof, and request the appointment of a similar committee on their part.

Mr. Stapp from the committee on enrolled bills, now made the following report, to wit:

Mr. President,

The joint committee on enrolled bills, have compared the enrolled with the engrossed bills, entitled acts of the following titles, to wit:

“An act for the formation of a new county out of the counties of Owen, Sullivan, Vigo and Putnam.”

“An act, to amend an act relative to county boundaries,” approved, January 31, 1824.

“An act making general appropriations for the year one thousand eight hundred and twenty-five.” And

“An act allowing a compensation to Richard Palmer, one of the commissioners appointed to locate the seat of justice of Parke county.”

Mr. Graham now offered for consideration and adoption, the following resolution, to wit:

WHEREAS, There is much important business now pending before the two Houses of the General Assembly, which the interest of the state, and our duty to our constituents requires should be acted on and brought to a close with deliberation, which cannot be effected should the General Assembly adjourn, sine die, on this day, agreeably to a former resolution of the two Houses: Therefore,

Resolved by the Senate, That they will postpone the adjournment until Tuesday next, in order to give time to bring the important business now pending, deliberately to a close.

Resolved, That the House of Representatives be informed thereof, and a similar resolution requested on their part. And on the question, will the Senate adopt this resolution? It was decided in the negative.

The Senate now proceeded to consider the amendments made by the House of Representatives to the amendments made in Senate, to the bill from the House of Representatives amending the act for assessing and collecting the revenue.

Whereupon,

Ordered, That the Senate insist on their first, second and fourth amendments made to said bill, and objected to by the House of Representatives; and that the Senate concur in the third amendment made by the House of Representatives to said bill—and Mr. Farnham was instructed to inform the House of Representatives thereof.

Mr. Thompson laid before the Senate, the petition of John Berry and others, praying certain relief therein named; which was read, and the further consideration thereof postponed to the second Monday in December next.

The engrossed bill granting further powers to the agent of state at Indianapolis, and for other purposes, was taken up, considered, and amended by striking out the the third section, as also in sundry of its details—and the said amendments were ordered to be engrossed, and with the bill read a third time to day.

The engrossed bill, to amend the act, entitled “An act for opening and repairing roads and highways,” was read a third time. And on the question, shall this bill pass? The ayes and noes being demanded:

Those who voted in the affirmative were,

MESSRS. Chambers, Ewing, Givens, Graham, Grass, Gregory, Gray, Johnson and Ray, pres’t—9.

And those who voted in the negative were,

MESSRS. Craig, Milroy, Montgomery, Pennington, Stapp and Thompson—6.

So it was decided in the affirmative, and Mr. Farnham directed to inform the House of Representatives thereof.

The engrossed bill granting further powers to the agent at Indianapolis, as amended, was now read a third time. And on the question, shall this bill pass? it was decided in the affirmative, and Mr. Farnham instructed to inform the House of Representatives thereof, and request their concurrence in said amendments.

The Senate now according to order, resolved itself into committee of the whole, on the engrossed bill from the House of Representatives, to incorporate medical societies, for the purpose of regulating the practice of physic and surgery in this state:

Mr. Thompson in the chair;

And after some time spent thereon, the committee rose;

Mr. President resumed the chair, and

Mr. Chairman reported the same to the Senate with amendments; which were read, concurred in, and ordered to be engrossed for third reading now.

Whereupon,

The said amendments being engrossed, the said bill as amended, was then read a third time. And on the question, shall this bill pass? The ayes and noes being demanded by two members:

Those who voted in the affirmative were,

MESSRS. Givens, Grass, Gray, Milroy, Montgomery, Thompson and Ray, Pres’t—7.

And those who voted in the negative were,

MESSRS. Chambers, Craig, Gregory, Johnson, Pennington and Stapp—6.

So it was decided in the affirmative, and Mr. Farnham directed to inform the House of Representatives thereof, and request their concurrence therein.

Mr. Thornton from the House of Representatives, now delivered the following message to the Senate, to wit:

Mr. President,

The House of Representatives insist on all the amendments proposed by the House of Representatives, to the fifth and sixth amendments made by the Senate to the engrossed bill from the House of Representatives, entitled "An act, to amend the act for assessing and collecting the revenue, and request a joint committee of free conference to be appointed to confer together on that subject; and have on their part appointed Messrs. Noble and Hurst that committee.

The following message was received from the House of Representatives by Mr. Thornton, their principal clerk, to wit:

Mr. President,

The House of Representatives having re-considered their vote of yesterday, adhering to their disagreement to the last items mentioned in the third amendment made by the Senate, to the engrossed bill from the House of Representatives, entitled "An act making specific appropriations for the year 1825, which item was allowing to John Aydelott the sum of \$50, for articles furnished the last General Assembly, and which have not been paid for, now recede from their said disagreement to said item, and concur in the same with an amendment; which is by allowing to said Aydelott the sum of \$17 50 cents—in which amendment of the House of Representatives, they desire the concurrence of the Senate.

Whereupon,

The Senate then proceeded to re-consider their vote of adherence to said last-mentioned item, and determined on receding from their adherence, and on concurrence in the amendment made by the House of Representatives to said item; and Mr. Farnham was directed to inform the House of Representatives thereof.

Mr. Ewing from the committee on enrolled bills, now made the following report, to wit:

The committee on enrolled bills, have compared the enrolled with the engrossed bills, having the following titles, to wit:

"An act, supplementary to an act, entitled "An act subjecting real and personal estate to execution, and for other purposes."

"An act, to amend the act, entitled "An act to regulate the judicial circuits, and fixing the times of holding circuit courts."

"An act for the relief of John D. Stevenson, clerk of the Hamilton circuit court, and for other purposes."

"A joint resolution of the General Assembly, relative to Fall creek mills."

"An act attaching part of the county of Delaware to the county of Marion."

"An act, supplemental to an act establishing a county seminary in the county of Knox."

"A joint resolution of the General Assembly."

"An act authorizing justices of the peace to issue writs of *ne exeat*"—And find the same truly enrolled.

Mr. Stapp from the joint committee on enrolled bills, now made the following report, to wit:

Mr. President,

The joint committee on enrolled bills, have laid before the Governor for his approval and signature—

"An act, to amend the act, entitled "An act to regulate and license taverns," approved, January 24, 1824.

"An act, to amend an act, entitled "An act incorporating congressional townships, and providing for public schools therein," approved, January 31, 1824.

"An act to authorize the agent of the three per cent. fund to pay over certain moneys therein named."

"An act allowing a compensation to Richard Palmer, one of the commissioners appointed to locate the seat of justice of Parke county."

"An act, to amend the act relative to county boundaries," approved, January 31, 1824.

"An act to incorporate the town of Charlestown in Clark county."

"An act for the formation of a new county out of the counties of Owen, Sullivan, Vigo and Putnam." And

"An act making general appropriations for the year 1825."

The following message was received from the House of Representatives, by Mr. Maxwell, a member:

Mr. President,

I am instructed by the House of Representatives to inform the Senate, that they concur in the amendments made by the Senate to "An act to incorporate medical societies, for the purpose of regulating the practice of physic and surgery in this state."

The following report was made by Mr. Ewing, from the committee of free conference on the subject to which it refers:

Mr. President,

The committee of free conference appointed by the Senate, on the disagreement between the Senate and the House of Representatives, upon the amendment made by the House of Representatives to the amendments made by the Senate, to the bill entitled "An act, to amend an act for assessing and collecting the revenue," report: That they have had the same under consideration, and gone through the same—that your committee have modified the first amendment to the fifteenth section in the fifth line, after the word "paid," the following, "and where there is any judgment or judgments against any county in this state, the board of justices may in their discretion, order when and in what manner such judgment or judgments shall be discharged, not inconsistent with the constitution of this state and of the United States"—that they have stricken out the amendment made by both Houses, to the proviso in the said fifteenth section, as far as the word "dollar," in the second line from the top of the second page, and adopt the following: "that the said board shall not grant any license to vend merchandize for a less sum than ten dollars per year, nor more than twenty-five dollars for the same period, to any one person or firm occupying the same store—that they have agreed to recede from the amendment made by the House of Representatives, to the amendment made by the Senate, to the twenty-eighth section of said bill. And the said report was read, and concurred in.

Mr. Pennington in the chair, in the absence of the President.

On motion by Mr. Milroy,

The following resolution was offered and unanimously adopted, to wit:

Resolved, That the thanks of the Senate be tendered to the Hon. James B. Ray, for the dignified and impartial manner in which he has discharged the arduous duties of President of the Senate, during the present session of the General Assembly of Indiana.

Mr. Ewing from the committee on enrolled bills, now made the following report, to wit:

The committee on enrolled bills, have compared the enrolled with the engrossed bills, having the following titles:

"An act giving further powers to the agent of the state for the town of Indianapolis, and for other purposes."

"An act, to amend the act, entitled "An act for opening and repairing public roads and highways"—and find the same truly enrolled.

Mr. Thornton from the House of Representatives, now in-

formed the Senate, that the Speaker of the House of Representatives had signed sundry enrolled bills, which bills he now laid before the President of the Senate for his signature—and having been signed by the President of the Senate, the said enrolled bills were handed over to the committee on enrolled bills, to be laid before the Governor for his approval and signature.

Mr. Stapp from the joint committee on enrolled bills, now made the following report, to wit:

Mr. President,

The joint committee of enrolled bills, have laid before the Governor for his approval and signature—

“An act, supplemental to the act, entitled “An act subjecting real and personal estate to execution, and for other purposes.”

“An act, to amend the act, entitled “An act to regulate the judicial circuits, and fixing the times of holding courts.”

“An act, supplemental to an act establishing a county seminary in the county of Knox.”

“An act authorizing justices of the peace to issue writs of ne exeat.”

“An act attaching part of the county of Delaware to the county of Marion.”

“An act for the relief of John D. Stevenson, clerk of the Hamilton circuit court, and for other purposes.”

“An act giving further powers to the agent of the state for the town of Indianapolis, and for other purposes.”

“A joint resolution of the General Assembly, relative to Fall creek mills.” And

“A joint resolution of the General Assembly.”

Mr. Palmer from the House of Representatives, now informed the Senate, that the House of Representatives had passed a joint resolution relative to the printing of certain acts—in which the concurrence of the Senate is requested. And the said joint resolution was read a first time—the rule requiring joint resolutions and bills to be read on three several days dispensed with, and the said joint resolution read a second and third time, and passed; and Mr. Farnham was directed to inform the House of Representatives thereof.

And the Senate adjourned to 7 o'clock this evening.

7 o'clock, evening.

Senate assembled.

On motion by Mr. Gregory,

Resolved, That a committee be appointed on the part of the Senate, to act with a similar committee to be appointed on the

part of the House of Representatives, to wait on his Excellency, the Governor, and inform him that both Houses of the General Assembly, have gone through their legislative business, and are now ready to adjourn, unless he has further communications to make to them; and that Messrs. Gregory and Graham are appointed on the part of the Senate that committee—and Mr. Farnham was instructed to communicate this information to the House of Representatives.

Mr. Thornton from the House of Representatives, now informed the Senate, that the House of Representatives concur in the resolution from the Senate, appointing a joint committee to wait on his Excellency, the Governor, and notify him that unless he may have further communications to make to the two Houses, they are now ready to adjourn; and that Messrs. Pepper and Worth are appointed that committee on the part of the House of Representatives.

On motion by Mr. Craig,

Resolved, That the Reverend John Ritchey of the House of Representatives, be requested to close the present session of the General Assembly by solemn prayer, and that the Senate will unite with the House of Representatives, in attending on said ceremony—that the House of Representatives be informed of this resolution, and a similar one on their part requested; and Mr. Farnham was directed to communicate that information, and make that request.

On motion,

The vote heretofore given on the passage of the engrossed bill from the House of Representatives, respecting the navigation of the Eastern and Western branches of White River, was re-considered—and the question again recurring, shall this bill pass? It was decided in the affirmative; and Mr. Farnham was instructed to inform the House of Representatives thereof.

Mr. Stapp from the joint committee on enrolled bills, now made the following report, to wit:

Mr. President,

The joint committee on enrolled bills, have compared the enrolled with the engrossed bills of the following titles, to wit:

“An act, supplemental to an act, entitled “An act, defining the duties of recorders, and pointing out the mode of conveying real estate,” approved, January 21, 1818.

“An act, to amend an act for assessing and collecting the revenue.”

“An act allowing compensation to the commissioners of the state road leading from Terre-Haute to Fort Wayne.”

"An act, to amend an act, entitled "An act concerning clerks," approved, January 31, 1824. And

"An act making specific appropriations for the year 1825."

And "A joint resolution relative to printing certain acts"—
And find the same truly enrolled.

Mr. Hillis from the House of Representatives, informed the Senate, the Speaker of the House of Representatives had signed sundry enrolled bills; which bills were now signed by the President of the Senate, and handed to the committee on enrolled bills, to be laid before the Governor for his approval and signature.

The following message was now received from the House of Representatives, by Mr. Thornton, their principal clerk, viz:

Mr. President,

The House of Representatives concur in the resolution of the Senate, requesting the Rev'd John Ritchey to close the present session of the General Assembly by prayer—that the House of Representatives are now ready to receive in the Representative Hall in pursuance of said resolution—and that seats are assigned for the accommodation of the Senate and their officers, on the right of the Speaker's chair.

The Speaker of the House of Representatives having signed an enrolled bill, I now lay it before the President of the Senate for his signature; and the said enrolled bill having been signed by the President of the Senate, was handed to the committee of enrolled bills, to be laid before the Governor for his approval and signature.

Mr. Stapp from the joint committee on enrolled bills, made the following report:

Mr. President,

The joint committee on enrolled bills, have laid before his Excellency, the Governor, for his approval and signature—

"An act, supplemental to an act, entitled "An act defining the duties of recorders, and pointing out the mode of conveying real estate," approved, January 21, 1818.

"An act, to amend an act for assessing and collecting the revenue."

"An act allowing compensation to the commissioners of the state road leading from Terre-Haute to Fort Wayne."

"An act, to amend an act, entitled "An act concerning clerks," approved, January 31, 1824.

"An act making specific appropriations for the year 1825."

"A joint resolution relative to printing certain acts."

"An act to incorporate medical societies, for the purpose of regulating the practice of physic and surgery in this state."

"An act, to amend the act, entitled "An act for opening and repairing public roads and highways." And

"An act relating to the navigation of the Eastern and Western branches of White River."

The following message was received from the Governor, by Mr. James M. Ray, his private secretary:

Mr. President,

I am instructed by the Governor, to inform the Senate, that he did on this day approve and sign—

"An act appointing commissioners to re-locate the seat of justice of Posey county, and for other purposes."

"An act appointing commissioners to locate the seat of justice of Madison county."

"An act to authorize called sessions of the circuit courts."

"An act for the relief of John D. Stevenson, clerk of the Hamilton circuit court, and for other purposes."

"An act attaching part of the county of Delaware, to the county of Marion."

"An act authorizing justices of the peace to issue writs of ne exeat."

"A joint resolution of the General Assembly."

"An act, to amend the act, entitled "An act to regulate the judicial circuits, and fixing the times of holding courts."

"A joint resolution of the General Assembly relative to Fall creek mills."

"An act, to amend an act, entitled "An act concerning clerks," approved, January 31, 1824.

"An act allowing compensation to the commissioners of the state road leading from Terre-Haute to Fort Wayne."

"An act, supplemental to an act, entitled "An act defining the duties of recorders, and pointing out the mode of conveying real-estate," approved, January 21, 1818.

All of which originated in the Senate.

The following resolution was laid before the Senate for consideration, by Mr. Ewing, to wit:

WHEREAS, The Senatorial period of our present worthy president pro tempore will expire on the first Monday of August next, and constitutional duties may devolve upon that station during the interval between that time and the next meeting of the legislature, which it is our imperious province to provide for during the present session:

Resolved, That the Senate will now proceed to elect a President pro tem. in prospective, whose functions, duties and authority shall commence in and by virtue of that station, on the first Monday of August next, and shall be certified to the Pre-

sident pro tempore, now to be elected in prospective, by the secretary of the Senate.

Mr. Gregory from the joint committee on the subject, now made the following report, to wit:

Your committee who were appointed to wait on his Excellency, have performed that duty, and have received for answer, that he has no further communications to make.

The following communication was now received from William Hendricks, Governor of the state of Indiana, to wit:

Gentlemen of the Senate,

Permit me to inform you that I have filed in the office of the Secretary of State, my resignation as Governor; and to assure you of the great degree of gratitude, which under all circumstances, I must ever feel, for the many signal instances of confidence reposed, and honour conferred, by the people and the Legislature of the state.

I have the honour to be,

with the greatest respect,

your obedient servant,

WILLIAM HENDRICKS.

When, upon the receipt of the foregoing communication, Mr. James B. Ray, President pro tempore of the Senate, left the chair; and Mr. Montgomery was called to the chair, pro tempore.

Mr. Craig then moved, that inasmuch as the late President pro tempore of the Senate, has now by virtue of his office as President pro tempore of the Senate, and in consequence of the resignation of the late Governor, became Governor; that the Senate will now proceed to elect a President pro tempore of this Senate—when, after considerable debate on that question, the motion was withdrawn; and Mr. Pennington offered for consideration and adoption, the following resolution, viz:

Resolved, That it is the opinion of the Senate, that the President pro tempore of the Senate, is by virtue of the constitution, the acting Governor of the state of Indiana, until the constitutional period has expired for which he was elected a Senator.

Mr. Montgomery having left the chair, Mr. Stapp was called to the chair—when, after considerable debate, Mr. Montgomery again took the chair; and Mr. Ewing offered the following as an amendment to the resolution offered by Mr. Pennington, to wit: “and that the Senate will now proceed to the election of a member, upon whom the authority and functions of President

pro tempore and acting Governor will descend, from and after the expiration of our present pro tem. and acting Governor's time, if not called to officiate in that capacity at an earlier period by some of the constitutional contingencies." The said resolution being under consideration, and not decided upon, Mr. Thompson offered the following resolution, to wit:

On motion by Mr. Thompson,

Resolved, That the House of Representatives be informed, that the Senate having gone through the legislative business before them, are now ready to adjourn, *sine die*; which was adopted, and Mr. Farnham instructed to inform the House of Representatives thereof.

The following message was then received from the House of Representatives, by Mr. Thornton:

Mr. President,

The House of Representatives have received official information, that the Governor did on this day, approve and sign—

"An act authorizing a review of a part of the state road from High Banks on White River, to Washington, thence to Spencer, thence to Indianapolis."

"An act relating to the navigation of the Eastern and Western branches of White river."

"An act, to amend the act, entitled "An act for opening and repairing public roads and highways."

"An act making specific appropriations for the year 1825."

"An act, to amend an act for assessing and collecting the revenue."

"An act to incorporate medical societies, for the purpose of regulating the practice of physic and surgery in this state."

"A joint resolution relative to printing certain acts."

"An act, to amend the act, entitled "An act to regulate and license taverns," approved, January 24, 1824.

"An act, to amend an act incorporating congressional townships, and providing for public schools therein," approved, January 31, 1824.

"An act allowing compensation to Richard Palmer, one of the commissioners appointed to locate the seat of justice of Parke county."

"An act to authorize the agent of the three per cent. fund to pay over certain moneys therein named."

"An act, to amend an act relating to county boundaries," approved, January 31, 1824.

"An act to incorporate the town of Charlestown in Clark county."

"An act making general appropriations for the year 1825."

"An act for the formation of a new county out of the counties of Owen, Sullivan, Vigo and Putnam."

"An act, supplemental to the act, entitled "An act subjecting real and personal estate to execution, and for other purposes."

And "An act giving further powers to the agent of the state for the town of Indianapolis, and for other purposes."

The House of Representatives have also adopted the following resolution:

Resolved, That a message be sent to the Senate to inform them, that the House of Representatives having completed all the business before them, are now ready to adjourn, *sine die*.

And on motion,

The Senate adjourned, *sine die*.

JAMES DILL, *Secretary*.





